

EXHIBIT 1

1 UNCERTIFIED ROUGH DRAFT; NOT TO BE CITED

2 ALEX MARTINI

3 THE VIDEOGRAPHER: This marks the beginning of
4 the videotaped deposition of Alex martini being
5 taken in the matter of PJAM LLC the XX Global ink et
6 al. being held in the United States District Court
7 Central District of California deposition is being
8 taken on March 5th, 2019 at approximately
9 10:19 a.m..

10 My name is Chris Jordan with TSG Reporting
11 the court reporter is Kim Reichert with TSG
12 Reporting. Will counsel please state your names.

13 MR. KING: Howard King and Matt Cave for the
14 defendants.

15 MR. TOMASULO: Stephen Tomasulo for the
16 plaintiff and counter defendants.

17 THE WITNESS: Emiliano de Sandro* Emiliano
18 Martini Lo Manto. I am an expert witness.

19 THE VIDEOGRAPHER: Will you court reporter
20 please swear in the witnesses.

21
22
23 THE WITNESS: Yes, I do.

24 BY MR. KING:

25 Q Good morning Mr. Martini. You revealed to

1 me before the deposition that this will be your
2 first deposition. As such, I'm going to give you a
3 couple of the ground rules so you have some
4 understanding.

5 I'm going to ask questions, your counsel
6 may interpose objections. You'll answer those
7 questions. All of that will be taken down by the
8 court reporter as well as the videographer. Because
9 the court reporter has to transcribe the
10 conversation, we try to not talk over each other
11 because it's impossible to transcribe two or three
12 people at once.

13 Do you understand that?

14 A Yes, I do.

15 Q Secondly, you've been administered an oath
16 obligating yourself to tell the truth under penalty
17 of perjury. I want to make sure that you understand
18 that.

19 A Yes.

20 Q The third rule which I think you've got is
21 all your responses have to be audible because the
22 court reporter can't take down nods or shrugs.

23 A Yes.

24 Q Okay. Although we're in a relatively
25 informal setting that oath that you've taken has the

1 same force and effect as though you were in a court
2 of law before a judge or jury.

3 Do you understand that?

4 A Yes.

5 Q And it would be our intention to use your
6 testimony in this deposition at trial should we deem
7 it necessary because of that it's important that if
8 you don't understand my question, that you ask me to
9 clarify that.

10 Do you understand that?

11 A Yes, I do.

12 Q And do you understand that if you don't
13 ask me to clarify my question, I will assume and
14 argue later if necessary, that you fully understood
15 my question.

16 Do you understand that?

17 A Yes, I do.

18 Q Are you taking any drugs medication or
19 anything that would affect your ability to testify
20 today?

21 A No.

22 Q You refer to yourself in the introduction
23 as the expert witness. What did you mean by that?

24 A I think that is the objective of this
25 deposition. I was asked to write as a report about

1 my experience and in my life industry. And I did so
2 in conserving * with my counsel and this is what we
3 produced.

4 Q And I have to reports I'm going to show
5 you later that you produced. Are you aware that two
6 reports have been given to us?

7 A I don't know what you mean by two reports.
8 There's one report. Maybe an appendix, but once you
9 show me what you have I will confirm it or not.

10 Q There are two reports they're very similar
11 except on one you've added some exhibits, but that's
12 okay. How many versions of those reports did you
13 prepare?

14 A I'm not prepared to answer that. Show me
15 the reports and I will be able to.

16 Q No problem: What is your role in PJAM?

17 A PJAM stands for Patrick Johnston and Alex
18 Martini so the AM. I'M part of the AM. So I am one
19 of the principals. I was the general manager of the
20 company.

21 Q And that's the company who is the
22 plaintiff in this case?

23 A Yeah.

24 Q So just to be clear, you were the general
25 manager of the plaintiff PJAM?

1 A The managing partner, yes.

2 Q You're the managing partner?

3 A Yes.

4 Q Were there any other managers -- let me
5 step whack I'm sorry?

6 A No worries.

7 Q LLCs typically have managers and members
8 not partners. So let me ask were you a member of
9 PJAM?

10 A Yes, I was.

11 Q Do you guys call it PJAM or PJAM?

12 A We don't really call it. It's just -- it
13 was a legal entity that we are -- it was not really
14 like -- we publicize the events on the Twin City
15 Live, so we refer to that company as Twin City Live
16 as the brand name. So PJAM was just --

17 MR. TOMASULO: You're answering more than his
18 question. Listen to his question only and answer.

19 THE WITNESS: No worries.

20 MR. KING: That's okay.

21 Q I just want to get back. PJAM is an LLC;

22 A Sure.

23 Q Right?

24 A Yes.

25 Q You are a member of PJAM?

1 A So --

2 Q Are you Abe member of PJAM?

3 A I they're companies different members.

4 There are other companies that are members of PJAM
5 check so I am a member of one of the company that is
6 a member of in PJAM.

7 Q What company is that?

8 A It's Jefferson Effect LLC.

9 Q Jefferson Effect.

10 Q How do you spell it?

11 A E-f-f.

12 Q Effect?

13 A Yeah.

14 Q Okay.

15 A I am also.

16 Q So what is your role in Jefferson Effect
17 LLC?

18 A It's one of the entities that has
19 ownership of PJAM. So the three entities. One that
20 represents Patrick Johnston.

21 MR. TOMASULO: Alex, he's asking you about a
22 specific question.

23 THE WITNESS: Sorry.

24 BY MR. KING:

25 Q Well, maybe your answer gives me the idea

1 for a better question.

2 A Sure.

3 Q Who are the specific members of PJAM. I
4 know one of them is Jefferson Effect LLC; correct?

5 A Yes.

6 Q Who are the other members of PJAM?

7 A Art of Digital.

8 Q Art of Digital?

9 A Yes.

10 Q Okay.

11 A And there's a third company that's PJ -- I
12 don't remember the name. They're all like
13 companies. I can look for the record, but I don't
14 remember the company. But it would be the company
15 representing Patrick Johnston.

16 Q So the third company when you say
17 representing Patrick Johnston, do you mean owned by
18 Patrick Johnston?

19 A I represent it -- I don't know the
20 ownership component of that company, but I know it's
21 his uncle and his father. So I don't know what
22 level of owner ships there are, but I can look --
23 I'm going to try to be as forthcoming as possible.
24 I know sometimes there will be a situation where you
25 ask the question, but for the sake of brevity, I can

1 explain to you how the corporate structure is.

2 Q Please do I'm all for brevity.

3 A I have a long relationship with Patrick
4 Johnston. We call him PJ. He approached me to
5 potential business to create a potential business
6 venture and I after, you know, talking about the
7 opportunity he indicated that he would be able to
8 bring in investors from investment from his family
9 and we created a partnership originally it was only
10 between two companies and then we brought in other,
11 other groups, other people involved. So there's
12 three.

13 Right now there's three corporate entities
14 in PJAM. Those are the people that are like members
15 of the LLC but there's a lot of other people
16 involved in this project, but from the legal point
17 of view those are the three companies that are
18 ownership. And I think we can produce certainly
19 produce the cop * table of the company if requested.

20 Q I appreciate. That when did Mr. Johnston
21 approach you about a potential business venture?

22 A It was I would say either December,
23 January 2017 it was the year before the event. So I
24 would say around Christmastime 2016, January 2017.
25 So the event was 2018, yeah.

1 Q And did Mr. Johnston tell you what event
2 or events the potential business venture would be
3 involved with?

4 A The whole idea was to create a company to
5 produce an event during Super Bowl. So he at the
6 time was living in Minneapolis and he contact me and
7 said this is a great opportunity to produce events
8 in the past. Why don't we do something for Super
9 Bowl?

10 Q When did -- had you already -- is Art of
11 Digital your LLC?

12 A I believe it's like an S corp and it is
13 not -- it is not mine. Technically it belongs to my
14 wife.

15 Q Why is that?

16 A It's her company.

17 Q So the three members of PJAM are Jefferson
18 Effect, Art of Digital and a third company owned or
19 controlled by Patrick Johnston; correct?

20 A Yes.

21 Q Is there a manager of PJAM?

22 A I mean these are legal terms. For all
23 intents and purposes I was running the operation. I
24 believe it was like --

25 MR. TOMASULO: Manager is a technical term. Do

1 you understand what a manager of an LLC is?

2 THE WITNESS: No, I was like the CEO of the
3 company.

4 BY MR. KING:

5 Q Okay.

6 A I was making all executive decisions, all
7 the decisions ultimately were mine. Nobody --
8 there's a lot of teamwork and input, but ultimately
9 I would make the final decisions on business.

10 Q Did you put any money into PJAM directly
11 or indirectly?

12 A I mean at the beginning I put money in. I
13 was reimbursed after various stages. So we have I'm
14 sure all the accounting is kept, but Stephen has
15 received all our accounting expenses and so forth.

16 Q When was -- so you had helped me out by
17 saying you and Patrick originally had talked about
18 creating a business venture. Did that -- sorry let
19 me step back. You and Patrick had talks about
20 forming a business venture around the end of 2016 to
21 promote events for the Minneapolis Super Bowl;
22 correct?

23 A Yes.

24 Q Did you ultimately form such a venture?

25 A Yes, we did its PJAM.

1 Q When was PJAM formed?

2 A I have to double check. Probably it was I
3 would say the rough draft of the operating agreement
4 started I believe around March of 2018. March 2017,
5 the year before Super Bowl. Again, it's easy to
6 verify. I don't know the exact date when it was
7 signs about you I remember having a discussion with
8 Patrick's father about the potential success of the
9 venture in February 2017 and shortly after that with
10 PJ's uncle, Tom.

11 MR. TOMASULO: He asked you when the venture
12 was formed. Please try and stick to the question.
13 It's a much cleaner transcript that way.

14 THE WITNESS: Okay.

15 BY MR. KING:

16 Q So when was PJAM formed?

17 A I just said I don't know the exact days,
18 but some time about a year before the actual event.

19 Q And by that time had Mr. Jefferson Agar
20 come into the picture?

21 A Not yet he was brought in business me
22 later.

23 Q So --

24 A Originally it was just PJ and me.

25 Q What was the role of Patrick's father?

1 A The investor.

2 Q In PJAM or in Patrick's company?

3 A He was the investor -- Patrick's company
4 was a vehicle for them. I don't know how they
5 shares ownership, but there were several wires from
6 that company into PJAM to fund the operations.

7 Q What's Patrick's father's name?

8 A The same Patrick Johnston.

9 Q And his uncle was also an inconvenience
10 tore?

11 A Yep.

12 Q Were there any other investors?

13 A Yes.

14 Q Who?

15 A Patrick's sister and there were two other
16 individuals that assisted financially.

17 Q Who are they?

18 A One was Manny Kess.

19 Q How do you spell Kass, K-a-s-s?

20 A I think it was K-e-s-s, but, yeah.

21 Q Who is the other individual?

22 A Anthony, last name is complicated. It's a
23 lot of consonants. Schnyderman.

24 Q Okay.

25 A I will provide the actual name.

1 Q We'll leave a blank in the transcript for
2 you to put that in?

3 A Yeah,.

4 (INFORMATION REQUESTED: _____
5 _____.)

6 Q Who is Manny Kess?

7 A He was at the end -- towards the end of
8 the final months prior to the show, he was brought
9 in in order to create as a bigger team. He also has
10 a lot of experience in producing events based in Las
11 Vegas so we approached him to be a as a part of our
12 group.

13 Q And why did you need to approach him?
14 What was the need?

15 A The idea was to build the biggest possible
16 team ahead of the event. So he has a very large
17 roster of clients. He operates out of Las Vegas so
18 the idea was to have reinforce our Las Vegas
19 potential clients so... .

20 Q So what was the relationship between
21 potential Las Vegas clients and a show in
22 Minneapolis?

23 A Well, it is not a show in Minneapolis it's
24 Super Bowl it just happens to be Minneapolis.
25 People fly from everywhere all over the United

1 States, especially big spenders and Vegas is
2 particularly important because a lot of casino hosts
3 give tickets to clients to have a connection with
4 Las Vegas seemed very important.

5 Q Was -- sorry, did you ever prepare any
6 sort of projections for any of these investors?

7 A Yes, right from the beginning.

8 Q When did you -- right at the beginning you
9 prepared those?

10 A In February, February March 2017.

11 Q Did you identify what talent would be at
12 the shows?

13 A Yes. We identified a roster of potential
14 clients.

15 Q That's all in writing somewhere?

16 A Yes.

17 Q How much was invested by all the investors
18 into PJAM?

19 A Originally we were hoping to contain the
20 budget at \$1 million. As we progressed in our
21 efforts we realized that to that was too
22 conservative. So I don't know about the exact final
23 number. I believe that when everything was said and
24 done we were in the neighborhood of 1.5. That's how
25 much we actually spent. Again, I would have to

1 refer to numbers that we provided to our attorney
2 and with two accounting firms in Minneapolis that
3 have prepared -- prepared taxes. Everything was
4 going through them so that --

5 MR. TOMASULO: He asked how much you spent.
6 Please don't volunteer.

7 THE WITNESS: I tend to be involved in
8 conversation. I apologize. So the actual number
9 it's there somewhere. I believe it's around
10 1.5 million. It would be easy to get an exact
11 figure.

12 BY MR. KING:

13 Q And at the outset did you plan on having
14 multiple shows?

15 A Yes.

16 Q How many?

17 A Very least we plans to have two shows
18 Friday and Saturday, but that was definitely the
19 Fridays and Saturday were planned.

20 Q And when did you secure your talent for
21 the Friday show?

22 A Secure like identified or signed a
23 contract?

24 Q Signed a contract.

25 A I believe it was December -- two talents

1 two main acts. So I believe one was in October the
2 first one and the second one was, I believe, was
3 late December. Like it was around Christmastime so
4 it could be some days later, some days after, but
5 again, it would be easy to find an exact date.

6 Q And I know the Friday night show was card
7 I b and future?

8 A Future, yes.

9 Q So who was signs first?

10 A Future.

11 Q And how much was he to be paid?

12 A I think it was like 300,000.

13 Q And Cardi B was signed?

14 A Like maybe a couple months after. It
15 was -- I can't remember if it was at the end of
16 December. I believe it was around December 28,
17 but...

18 Q How much was Cardi B to be paid?

19 A So we paid her, I believe, 120-.

20 Q And when did you first announce that these
21 people would be featured in a show the Friday night
22 before Super Bowl?

23 A I don't remember the exact date.

24 Q Did you at some point --

25 A As soon as after -- the moment -- the day

1 after we signed the contract officially then the
2 negotiations were quite intense. So we knew already
3 in October -- even before October that those were
4 the artists. It just took time to convince.

5 Q But I think you said that you signed
6 Future in October and you think you signed Cardi B
7 in December?

8 A Yes.

9 Q So was it at that point in time when you
10 started your marketing and promotion for the show?

11 A Well, the marketing promotion was start
12 with had much before.

13 Q Okay. Did you originally contemplate
14 having a different headliner for the Saturday show?

15 A Absolutely.

16 Q Who was it going to be?

17 A We had a conversation with multiple
18 artists. Kendrick Lamar took a lot of time
19 unfortunately to negotiate. Drake, Chainsmokers. I
20 mean we had an extensive negotiation week with most
21 of these performers.

22 Q And they all fell through?

23 A Some wanted too much money and you know,
24 we couldn't afford to pays their requests.

25 Q Well, you had paid Future or you promised

1 to pay Future 300,000?

2 A We paid Future.

3 Q But with these other artists asking for
4 more?

5 A \$1 million or more.

6 Q When did you start discussions with Travis
7 Scott or his representatives?

8 A So Travis Scott was named floated around
9 quite a bit. The first time that I have a record or
10 recollection of discussing Travis' name was also
11 around October, right around the time we booked
12 Future. And Travis had a very successful show in
13 New York and the person that booked Travis at that
14 show is a personal friend and he and I discussed
15 booking Travis.

16 Q Who is that?

17 A E-d-d, Eddie **.

18 Q When did you or PJAM first make contact
19 with Travis or his representatives about performing?

20 A Well, the first representative -- the
21 first time we spoke to a lady that was an agent at
22 the time for Mr. Scott. I believe it could be like
23 December, in December. There was a third party that
24 was mediating that offer. someone that --

25 MR. TOMASULO: Stick to the question please.

1 THE WITNESS: Right.

2 BY MR. KING:

3 Q Well, I actually think you were getting
4 there because the question was when did you first
5 contact Travis or his representatives. I was in
6 contact with her with the representative through a
7 third parties. And ultimately she was asking for
8 too much money so we put things on hold base the
9 request was, I believe, \$400,000.

10 Q Who was the third party who was mediating
11 this?

12 A It was Mr. David Geller.

13 Q And who was the representative who
14 Mr. Geller was supposedly talking to?

15 A It was Travis Scott's personal manager. A
16 lady.

17 Q A female?

18 A Yes.

19 A She was the manager at the time of Travis'
20 agency.

21 Q But you never talked to her?

22 A Yeah, I think I was copied on some of the
23 e-mail.

24 Q So the discussions broke down because
25 somebody communicated to you Travis wanted too much

1 money?

2 A I saw the e-mail. The e-mail was
3 something like \$395,000.

4 Q And when was that? What was the date of
5 that?

6 A I have to check, but.

7 Q Can you estimate?

8 A December.

9 Q So by -- as of December 5 weeks or so
10 before this Super Bowl you had no artists for
11 Saturday night; right?

12 A That is not correct.

13 Q Okay?

14 A We have artist we didn't have the top, the
15 big name artist. And in my experience there was
16 never a time where we were not going to have an
17 artist there was always going to be a show on
18 Saturday night.

19 Q Who did you have committed to perform on
20 that Saturday night show as of December of 2017?

21 A Sure.

22 MR. TOMASULO: Let him finish his question
23 please.

24 MR. KING: I'll start over.

25 Q As of December 2017 who did you have

1 committed to perform on that Saturday night.

2 A So we had two DJs that in the past have
3 performed with Mr. Scott as well and have quite a
4 significant following in the hip hop community. One
5 is DJ Spade and the other one is DJ Reach.

6 Q Anybody else committed to perform on that
7 Saturday night as of December of 17?

8 A No.

9 Q At some point did you sign up Gucci Manne?

10 A This is a complicated question.

11 Q Okay.

12 A It requires a lot of context.

13 Q So let's get there in a minute then?

14 A Okay it's very complex.

15 MR. TOMASULO: The question was whether you
16 signed Gucci Manne.

17 THE WITNESS: Yeah.

18 MR. KING: That was the question thank you.

19 MR. TOMASULO: Give him a yes or no let's start
20 with that.

21 THE WITNESS: Yes, we had signed a deal with
22 the company.

23 MR. TOMASULO: Just, yes. That was a yes-or-no
24 question. He'll ask you further questions okay.

25 THE WITNESS: Yeah.

1 BY MR. KING:

2 Q Did you ever sign a deal with Gucci Manne?

3 A Yes.

4 Q Or was it some company?

5 A Gucci Manne was performing at another
6 venue with another group of promoters. We
7 approached them and we signs a deal, a contract with
8 them so that Gucci Manne performance was effectively
9 merging with our performance. So they would cancel
10 their dates and Gucci Manne would then perform at
11 our show.

12 Q So you never had a contract with Gucci
13 Manne; correct?

14 A We had a contract with these promoters.

15 Q Did you ever have a contract with Gucci
16 Manne?

17 A I would have to check. I'm not sure.

18 Q Did Gucci Manne perform on the night
19 before the Super Bowl?

20 A Saturday night?

21 Q Yes.

22 A So Gucci Manne came to the show. Came
23 late and refused to perform.

24 Q Why?

25 A He indicated that his pay was as

1 supporting -- a supporting act not as main artist
2 and he said that if Travis was not playing he would
3 not play also.

4 Q So your testimony is -- were you there
5 that night?

6 A I was there for some part of the night.

7 Q Were you there when Gucci Manne arrived?

8 A I was just about to leave.

9 Q So you were there when Gucci Manne
10 arrived?

11 A Yes.

12 Q So were you a witness to him refusing to
13 go on?

14 A I was a witness of Gucci Manne promoters
15 saying that he would not perform unless Travis would
16 perform also. And I believe we have that in writing
17 as well.

18 Q Were you a witness to somebody telling
19 Gucci Manne why Travis Scott wasn't there?

20 A No. I wasn't a direct witness.

21 Q Did Gucci Manne get paid anything?

22 A Of course.

23 Q Even though he didn't perform?

24 A We paid the promoters in advance.

25 Q So did DJ Spade perform that night?

1 A I believe so.

2 Q Did DJ Reach perform that night?

3 A He definitely performed.

4 Q Anybody else perform that night?

5 A Yes.

6 Q Who?

7 A A list of local talent and performers. We
8 were trying to fill the night in the absence of
9 Mr. Scott.

10 Q How many people were there that night when
11 you were?

12 A There I can't remember.

13 Q How many customers were there?

14 A A lot less than we were hoping for.

15 Q I got that, but how many?

16 A To be honest I don't know the exact
17 number.

18 Q Okay. Do you know how many tickets had
19 been sold in advance of the show?

20 A I don't know how many tickets were sold in
21 advance, no.

22 Q Do you know how many tables were sold in
23 advance of the show?

24 A A few.

25 Q What does that mean under five?

1 A Yes.

2 Q How much was a table?

3 A I think our main one was \$5,000.

4 Q And did those people get refunds?

5 A Some people got refunds. Some people
6 canceled their credit card statement. So we had
7 instances where people came. I believe it was over
8 \$10,000 billed and they just canceled the credit
9 card fee and got a refund.

10 Q So \$10,000 of table refunds?

11 A That's just one client. I would have to
12 ask my manager for the night for the actual number.

13 Q So in preparing your report you didn't
14 actually do any calculation of how many tickets were
15 refunded or how many tables were refunded or
16 cancelled?

17 A No.

18 Q Is that correct?

19 A I don't think it was requested of me --
20 for me.

21 Q You don't know how many people actually
22 showed up?

23 A It would be easy to find. I could provide
24 it at a later time if needed.

25 Q Okay. Do you think marketing and

1 promotion is important to the success of I show like
2 the show you hoped to put on that Saturday night?

3 A I think marketing promotion is important
4 all the time.

5 Q And what sort of black continuing and
6 promotion had PJAM anticipated doing for the
7 Saturday night show?

8 A We had quite significant fates book and
9 social media marketing. Tens of thousands of
10 dollars were spent. There's a record of that, but
11 on ads purchased on Google, Google ads and Facebook
12 ads. I believe Instagram ads as well. We printed a
13 lot of fliers. The whole city was blanketed with
14 it. We had radio ads. And we had a lot of
15 promoters promoting.

16 Q But you didn't have any significant
17 presales, did you?

18 A What does it mean significant?

19 Q I don't know you tell me. Did you have
20 any significant sales before the day of the show?

21 A I don't know what significant means.

22 Q How many sales of tables or tickets did
23 you have before the day of the show?

24 A I just said I can provide the number. I
25 don't know.

1 Q You don't know as you're sitting here
2 today; correct?

3 A No, I said I have to verify that.

4 Q Do you know when Travis Scott signed his
5 contract to appear?

6 A It would be if I remember correctly a
7 couple weeks before the show.

8 Q What was the date of the show?

9 A The date of the show was February 2nd or
10 something like that.

11 Q February 3rd?

12 A February 3rd, yeah.

13 Q Do you know the date of the contract that
14 Mr. Scott signed?

15 A I just don't know.

16 Q I'll show it to you in a minute. I'll
17 represent it says as of January 24th.

18 A That's the final draft. The initial --
19 there's a contract that was circulating way before
20 that.

21 MR. TOMASULO: That's not the question.

22 MR. KING: There's only one contract; right.

23 THE WITNESS: Sure, but you're referring to the
24 final draft,.

25 BY MR. KING:

1 Q Is there more than one signed contract for
2 this performance?

3 A No, there's only one. So you asked for
4 the date of when the contract was signed.

5 Q I did?

6 A And that's January 24 you said right?

7 Q I'm saying that's the date on the
8 contract. I believe it was signed several days
9 later, but I don't know. That's why I'm asking you
10 if you don't know. You may not know.

11 A I just remember those days were quite
12 hectic. It takes a lot of preparation to do
13 something of this magnitude.

14 MR. TOMASULO: Alex please just focus on the
15 question okay.

16 THE WITNESS: Sure.

17 BY MR. KING:

18 Q Did you start promoting and marketing this
19 show before a contract was signed?

20 A I'm not sure.

21 Q Was the Friday night show a financial
22 success?

23 A It was a first step.

24 Q Did you lose money or make money on Friday
25 night?

1 A Well, technically I wouldn't look at it
2 like this, this way because it was always the
3 teaser, appetizer leading up to the bigger show. So
4 sure, you know, we were expecting maybe a couple
5 hundred thousand dollars more on Friday, but the
6 majority of the bulk of the money we were expecting
7 to generate on Saturday night.

8 Q So Friday night I know you paid the
9 artists at least \$420,000; right?

10 A Yeah.

11 Q You didn't gross anywhere near \$420,000
12 did you?

13 A No.

14 Q And you paid rent for the venue correct
15 that night?

16 A Well, really the rent it was -- the
17 majority of the money that we were expecting, we
18 were expecting to generate on Saturday night.

19 Q Okay. Did you pay rent for the venue?

20 A Yes.

21 Q For two nights?

22 A Yes.

23 Q Is there a written agreement?

24 A Of course.

25 Q How much was the rent for the two nights?

1 A It was \$240,000.

2 Q Did you have to pay staff for Fridays
3 night?

4 A Yes.

5 Q How much?

6 A I have all the numbers with my accountant,
7 but it was certainly like as you I mentioned the
8 entire show was in the neighborhood of \$1.5 million.

9 Q No, I'm only talking about Friday night
10 now. Did you spend 1 million?

11 A No, collectively this effort.

12 Q I'm asking about Friday night?

13 A I don't separate it. The people were
14 there. I don't know -- you can't separate this is
15 for Friday or this is for Saturday. This was a show
16 that was put together and there's a number, one
17 number. I wouldn't separate between Friday and
18 Saturday.

19 Q Well, you lost money on Friday night, but
20 you hoped to make it back out of profit on Saturday.
21 Is that a correct statement?

22 A I think -- I don't know if it's correct.
23 I think the statement is we were putting together an
24 event over the course of two days and there was I a
25 budget for these two days and we fell short from our

1 targets and our goal and certainly like Friday was
2 less successful than we hoped for, but I don't think
3 you know I would feel comfortable in separating
4 Friday and Saturday. I would say that Twin City
5 Live was one event and the bulk of the revenue were
6 supposedly coming from Saturday night.

7 Q How many tickets had you sold for Friday
8 night in advance of the day of performance?

9 A I don't have the number off the top of my
10 heads.

11 Q And you don't know how many were sold in
12 advance for the Saturday night show; correct?

13 A I mean -- there is quite an extensive team
14 of people and I as a businessman I hire people that
15 manage the front of the house.

16 Q Right.

17 A So I would have to ask my general manager.

18 Q Well, Mr. Martini you're here today as the
19 expert witness to testify as to what the profits
20 would have been right?

21 A Sure.

22 Q Would you agree that all the questions I'm
23 asking are relevant to an opinion of what the
24 profits might have been?

25 MR. TOMASULO: Object that calls for a legal

1 conclusion, but you can answer.

2 THE WITNESS: I just think they're legitimate
3 question -- I don't know if they're legitimate
4 question in the sense that it will establish how
5 much could have been made, but all of the answers --
6 I can provide very specific answers, there's a lot
7 of numbers and I have quite extensive staff working
8 on the ground. So my general manager would be able
9 to tell exactly how many tickets were sold. That
10 was not my role.

11 Q Right.

12 A My role was to coordinate a large team.

13 Q It's your intention to give an opinion as
14 to how much you would have made had Travis Scott
15 showed up for the show; right?

16 A Yes.

17 Q Would it be relevant in doing sort of a
18 scientific analysis to know how many tickets had
19 been sold before the show was canceled? Would that
20 be relevant to your opinion?

21 A I don't think it would be relevant in the
22 sense that a lot of these hip hop shows are, you
23 know, shows where people go and pay cash at the
24 door.

25 Q Upon what analysis do you base that

1 conclusion?

2 A On people going to Super Bowl event and
3 trying to decide where to go and you know, they will
4 decide based on what's on the menu. A lot of times
5 you make a decision once you are with your friends.
6 This is not like just going to the opera ticket that
7 you book three months before. A lot of people don't
8 even know they're going to Super Bowl until their
9 team is participating. So a lot of travel
10 arrangements are made quite at the last minute. So
11 I don't know -- I'm not sure like you know that I
12 could assess the success of the show based on the
13 presale, but I think I can assess the success of the
14 show based on the fact that if Travis normally sells
15 out his shows there's no indication for me to
16 believe he wouldn't sell out this show.

17 Q Okay. So you've made a number of
18 statements and I didn't write them all down. You
19 said travel arrangements for Super Bowls are made at
20 the last minute is that true?

21 A For participant, people that attend the
22 Super Bowl. People that go to see the game.

23 Q And what do you mean by last minute?

24 A I mean that, you know, you can decide
25 whether or not you're going to go to the game. In

1 the few days before the game.

2 Q And upon what specific data do you make
3 that conclusion that people make the decision to
4 attend the Super Bowl within a day or two of the
5 game?

6 A It's common sense.

7 Q Common sense?

8 A If your team is going you might want to
9 make the decision, but if your team is not going to
10 the game maybe you don't necessarily want to go.

11 Q And on what basis did you conclude that
12 because Travis Scott sells out other shows he would
13 have sold out this show?

14 A What do you mean? I don't understand the
15 question.

16 Q I think you testified it was your opinion
17 that one reason you believe Travis Scott would have
18 sold out this show is that he sold his other shows.
19 Is that what you said?

20 A Well, I think my point is that certainly
21 that was my hope given that he has a pattern of
22 selling out shows to a higher celebrity like Travis
23 would have been very profitable for our show.

24 Q That was your hope?

25 A Based on Travis' track record.

1 Q What track record did you study to reach
2 that conclusion?

3 A I've seen other -- I looked at previous
4 shows and I can tell you that even the show in New
5 York where he sold 8,000 tickets and it was in New
6 York City. I think it was two days back to back.
7 And I had an extensive talk to people that produced
8 that show. So I certainly -- certainly coupled with
9 Mr. Scott's fame led me to believe that he would
10 bring a lot of people.

11 Q Did you -- do you know what Pollstar is?

12 A Pollstar?

13 Q Yes.

14 A No.

15 Q Did you access any database -- strike
16 that. Are you aware that there are databases that
17 will give you ticket sales for all performers at all
18 venues?

19 A Yes.

20 Q Did you consult any of those databases?

21 A No.

22 Q In reaching your conclusions?

23 A No.

24 Q Did you go on your instinct that he would
25 sell out?

1 A No I talked to other people that are in
2 the night life industry.

3 Q You talked to somebody in New York who
4 told you that Travis had sold 8,000 tickets for two
5 days of shows?

6 A Someone who is the owner -- the person
7 that owned the show.

8 Q Who is that?

9 A I mentioned before, Eddie Dean **.

10 Q Did you talk with Eddie about how long he
11 marketed and promoted that show in New York?

12 A No.

13 Q Wouldn't that be relevant to trying to
14 determine whether you could have an equal chance of
15 success?

16 A I think maybe a few years ago, yes, but I
17 think these days with social media and Twitter and
18 all these media ways to reach people that go out, I
19 think this is less relevant.

20 Q But your fundamental basis for concluding
21 you would have made the type of profit you're going
22 to testify to is that there would have been a flood
23 of people buying tickets the day of show; right?

24 A Yes.

25 Q And you base that -- I want to make sure I

1 have all the bases for that opinion?

2 A Yes.

3 Q Would you agree that's sort of a
4 fundamental basis of your opinion that you would
5 have made money?

6 A Yes.

7 Q What time -- did you ever announce that
8 the show was canceled?

9 A Yes.

10 Q What time on that Saturday did you
11 announce?

12 A I think it was around lunchtime or maybe
13 3:00 p.m.

14 Q And what form did that announcement take?

15 A I think it was I believe like it was
16 social media.

17 Q Do you know what social media
18 specifically?

19 A It was also the results of tickets that
20 was purchased so everybody that purchased tickets
21 received an e-mail saying that Travis was not
22 performing and offering for a refund.

23 Q And I'm sorry that was around 3:00 p.m. on
24 that Saturday?

25 A I have to check the time, but the day of

1 for sure.

2 Q Right. And did you get communications
3 back from people either cancelling or commenting?

4 A I think most people opted for a refund.
5 Again, all the ticketing part was managed by Anthony
6 was one of the investors in PJAM, Anthony
7 Scnyderman. So I would have to ask him for the
8 exact time that the e-mail went out so I can provide
9 that later.

10 Q So as of when that e-mail went outlets
11 just say it was 3:00 o'clock in the afternoon or
12 2:00 o'clock in the afternoon the day of the show?

13 A Yes.

14 Q Wouldn't it be relevant in forming your
15 opinion about what you would have made to know how
16 many pick tickets had been sold by then the day of
17 the show?

18 A As I mentioned before I think a lot of
19 people would just come to the venue to purchase
20 tickets at the door.

21 Q That's what you hoped for?

22 A Yes.

23 Q But you have no basis? You've done no
24 analysis to help you reach that conclusion; right?

25 A The analysis is what me and my team

1 believed.

2 Q Right.

3 A There's hundreds of years of night life
4 experience in the people that work on the show.

5 Q Did you do any sort of a compilation of a
6 list of other shows that had generated 80 or
7 90 percent of their ticket sales on the day of the
8 show?

9 A We talked to the owner of the club and he
10 told us that the majority of his hip hop shows, for
11 example, 50 cents or other alias tip hop artist
12 would be cash at the door.

13 Q And who is that who is the owner?

14 A The owner of the club Mike.

15 Q What's his name?

16 A Mike Ogren.

17 Q Do you know how to spell that?

18 A O-g-r-e-n, Ogren.

19 Q You talked to somebody in New York -- you
20 talked?

21 A I talked to a lot of people in general,
22 but you just asked me to pinpoint, for example,
23 somebody that could say or potentially say -- repeat
24 what I just said right.

25 Q Right.

1 A And I know I can definitely attest that
2 he --

3 MR. TOMASULO: I think you're answering the
4 question -- you didn't let him finish his question
5 please let him do that.

6 THE WITNESS: Sorry.

7 BY MR. KING:

8 Q I'll ask a different question. The show
9 went on that night just without Travis Scott; right?

10 A Yes.

11 Q And without Gucci Manne?

12 A Gucci Manne was on the bill, he just
13 elected not to perform.

14 Q Did you pay the staff who worked Friday
15 night?

16 A Yes.

17 Q Who was responsible for paying the staff?

18 A There were different, different groups.
19 PJAM was responsible. Different -- different groups
20 that work in different capacities. So, yes, the
21 staff you mean the waitresses.

22 Q Yes?

23 A Yes.

24 Q Was there some drama over that weekend
25 about PJAM not having enough cash on hand to pay the

1 obligations that it incurred with respect to both
2 shows?

3 A Yeah, I would specify what you mean by
4 drama, but certainly it was a hectic weekend.

5 Q Isn't it true that you were short on cash?
6 You didn't have enough cash to pay expenses
7 including the remaining \$50,000 in cash that would
8 have been owed to Travis?

9 A I -- there was a rumor circulated by the
10 person that brokered the contract between us and
11 Travis. The person violently demanded to be paid
12 before the show and we said that we would pay after
13 the show as per our contract.

14 Q Have you seen any text messages with
15 Mr. Agar talking about scrambling to get cash and
16 not having availability because his bank was in New
17 York and he was not Minneapolis?

18 A In Johnston.

19 Q Yes, Mr. Johnston have you seen
20 correspondence to that effect?

21 A I think I have seen correspondence saying
22 I can't pull out \$25,000 from an ATM and today is
23 Saturday. So, yeah, I've seen that I think. It's
24 pretty obvious I can't take \$25,000 with an ATM even
25 if I have \$25,000 in the bank account.

1 Q Do you know why PJAM needed \$25,000 in
2 cash on that Saturday?

3 A Well, I absolutely do know why. Mr. Coon
4 Coon, the gentleman that refers to himself as Coon
5 was threatening everybody associated with PJAM
6 demanding violently for his brokers fee before
7 Travis comes to New York -- to Minneapolis. So,
8 yes, you know he basically harassed multiple people
9 demanding that his \$25,000 or whatever balance was
10 owed to him to be paid before Travis applied to to
11 Minneapolis.

12 Q What did you understand Coon's role to be?

13 A I understood he was a personal friend of
14 Travis Scott and he would be the one -- he wouldn't
15 be the one. He's the one that was able to reduce
16 the fee, the regional fee from \$395,000 that was
17 asked of us. He was able to reduce it tow \$200,000.
18 So that's why we chose to deal with this individual.
19 I didn't know him personally. He was wrote up by
20 yet another person that was promoting -- he was
21 promoting the Philadelphia area.

22 Q Was it your understanding that in addition
23 to paying Travis' fee you also owed a fee?

24 A Yes.

25 Q To Coon?

1 A Yes, we paid partial amount of that.

2 Q But you didn't have cash to pay the
3 balance on that Saturday?

4 A That's not correct. He demanded all the
5 money up front before Travis came. And we said to
6 him initially this is not what the contract says.
7 And he literally forced us to give him all the cash
8 that we had in the safe, took \$10,000. I don't know
9 if it's ten or 11,000. I have to check. In as a
10 very threatening and borderline violent way in front
11 of several witnesses. And cameras in the
12 establishment. After that he demanded to pick up
13 the rest from our hotel. We told him that it being
14 five in the morning we didn't have that type of cash
15 on hand so he went to sleep and said he would pick
16 it up in the morning. I was leaving at the time and
17 he was communicating with PJ, Patrick Johnston
18 demanding the cash. And at that point that's when
19 PJ said it's Saturday in Minneapolis I I don't know
20 how much money was owed 15,000 or \$25,000, whatever
21 balance he demanded, there was certainly a lot of
22 drama about this not missing, but completing payment
23 for this individual. And it was certainly not
24 pleasant.

25 Q PJAM didn't have \$50,000 in cash on

1 Saturday that would have been owing to Travis after
2 the show; correct?

3 A I don't remember.

4 MR. TOMASULO: Can you read back the question.

5 (Whereupon, the record was read as
6 follows:

7 "Question:

8

9 THE WITNESS: I don't think we would have to
10 pay in cash. I don't think our contract said cash.

11 BY MR. KING:

12 Q If you assume you had to pay in cash
13 \$50,000 is that that Saturday night?

14 A We paid by wire each time to Mr. Scott.

15 Q Listen to my question.

16 A Sorry.

17 Q If you assume that you had to pay the last
18 \$50,000 in cash on Saturday night, is it true that
19 PJAM did not have 50,000 in cash?

20 A We tried to do all our business using
21 wire. And even the \$10,000 that essentially was
22 extorted by us by Mr. Coon, that's something that we
23 didn't like. So I don't know why anybody would
24 demand a cash payment. We like to do everything
25 aboveboard and send wires.

1 Q Did you have \$50,000 in cash on Saturday
2 February 2nd?

3 A Is this relevant?

4 MR. TOMASULO: It's within the scope of
5 discovery so at trial we would have a fight over an
6 objection, but you can answer.

7 THE WITNESS: Before Travis Scott arrived in
8 the safe --

9 MR. TOMASULO: No, there's just a simple
10 question. It's a yes or no or I don't know
11 question. Okay.

12 THE WITNESS: Well, we didn't have it before he
13 arrived. We might have had it after the show.

14 Q Depending on how the show performed?

15 A Sure.

16 Q I'm going to show you a document I'm going
17 to mark as Exhibit No. 1.

18 MR. TOMASULO: Can we take a quick break so I
19 can run to the restroom?

20 MR. KING: Yeah, sure. We'll go off the
21 record.

22 THE VIDEOGRAPHER: Off the record. The time is
23 1116.

24 (A recess was taken from ***** to
25 *****.)

1 THE VIDEOGRAPHER: Back on the record. The
2 time is 1126.

3 BY MR. KING:

4 Q I've handed you Exhibit 1, but I have a
5 question or two before I ask you about it.

6 A Yep.

7 Q What time -- was Future the headliner on
8 Friday night or was Cardi B?

9 A I think when we booked Future he was a
10 headliner. I think in terms of the variety
11 certainly by the time the event happened maybe Cardi
12 B was surfing a waive of note right which one can
13 argue made her the headliner, but I think our
14 understanding when we booked Future was that he was
15 the headliner.

16 Q Who performed last on Friday night?

17 A I think Future -- card I performed first
18 and Future after.

19 Q Do you know what time Future performed?
20 What time he went on?

21 A No, I don't remember.

22 Q Were you there?

23 A Of course I was there. I was working.

24 Q Yeah. Do you know an estimate of what
25 time he went on?

1 A 1:00 I'm not sure.

2 Q There's no curfew at this club. You could
3 go all night?

4 A No, we were closing. Closing at 2:00 a.m.

5 Q 2:00 a.m.

6 Q But would 1:00 a.m. be, all other things
7 be considered, be a time slot for the headliner in
8 this type of event?

9 A No, no.

10 Q Well, isn't the idea to keep people there
11 as long as possible buying cocktails? Is that one
12 of the goals?

13 A I think the goal is to put on a good show
14 for your customers.

15 Q Is your best recollection that Future went
16 on at 1:00 o'clock in the morning?

17 A Yeah, between 12:30 and 1:00.

18 Q Is it true you knew Travis could not go on
19 that late on Saturday night?

20 A Of course.

21 Q Why is that?

22 A Because we agreed to have him perform
23 early so he could leave to go back to, I believe,
24 Las Vegas.

25 Q Did you understand he had to be in Las

1 Vegas by 1:00 a.m. on I guess it would be
2 September 14?

3 MR. TOMASULO: Not September.

4 MR. KING: I'm sorry February 4th.

5 THE WITNESS: I understood yes keeping in mind
6 the time difference.

7 Q Right.

8 A So we understood with a private jet he
9 would be able to be in Vegas at the time he needed
10 to be.

11 Q Right. I just want to make sure we
12 understand that time was 1:00 a.m. Las Vegas time
13 3:00 a.m. --

14 A I don't remember what time he asked us to
15 be in Vegas.

16 Q Okay.

17 A I remember we had negotiations on time and
18 we all agreed on putting Travis first.

19 Q Okay. And you agreed to provide
20 transportation that would assure him of being back
21 in Las Vegas by 1:00 a.m. Las Vegas time; right?

22 A I remember agreeing on putting on Travis
23 early and, yes, we agreed to provide transportation.
24 We actually provided. We paid for transportation a
25 private jet waiting for Travis to come to

1 Minneapolis and waiting on the tarmac to go to
2 Vegas.

3 Q Before I get to that I might have some
4 questions on that as you would imagine?

5 A Sure.

6 Q I just want to make sure that
7 fundamentally everybody on your side understood he
8 had to be back in Las Vegas by 1:00 a.m.; right?

9 A I mean if that -- I'm not 100 percent sure
10 that I spoke to him to that extent. My role was to
11 ensure the performance in Minneapolis. And so we --
12 when this discussion came up we agreed that he would
13 be able to perform first and we talked about as
14 early as 10:00 p.m. in Minneapolis.

15 Q I just want to make sure that you
16 understood whether you talked to Travis or not, that
17 you on behalf -- I think you said you were the guy
18 in charge right?

19 A Yeah.

20 Q You understood that Travis Scott could
21 only come to Minneapolis if he was assured he would
22 be back in Las Vegas by 1:00 a.m.; right?

23 A Yeah, we had a discussion to that extent.

24 Q You understood that. I'm not asking about
25 a discussion. You understood that the only way upon

1 which Travis could perform at your show in
2 Minneapolis is if you assured him he would be back
3 in Las Vegas by 1:00 a.m. to perform in Las Vegas?

4 A To be honest by that point it was not
5 exactly -- I wasn't thinking about Travis falling
6 the show. I was very busy trying to produce my
7 show.

8 Q Certainly by Saturday the day of show you
9 were aware there was a problem because Travis'
10 representatives were saying they weren't coming
11 unless they had assurances that they would be back
12 in Vegas by 1:00 a.m.?

13 A That's incorrect.

14 Q You didn't know about that?

15 A That's incorrect. The statement is
16 incorrect.

17 Q Which statement?

18 A That just made Travis representatives said
19 Travis is not coming because he couldn't make the
20 1:00 a.m.. That is not a correct statement.

21 Q Let me ask it separately. Did you become
22 aware that there was an issue on Saturday about
23 whether or not Travis was coming?

24 A Yes.

25 Q Did you understand that the issue had

1 something to do with whether or not Travis had
2 assurances he would be back in Vegas by 1:00 a.m.?

3 A No.

4 Q Who did you think the dispute was with?

5 A I didn't think. I was told specifically.

6 Q Right.

7 A It wasn't speculation. It was specific
8 statement. And the statement was Mr. Coon demanded
9 cash payment before he would tell Travis to come.
10 And if we didn't pay him up front he's would tell
11 Travis not to come. This is in front of ten people.

12 Q So you became aware from Mr. Coon are
13 Coons, whatever his name is, that if he didn't get
14 cash he claimed he was going to tell Travis not to
15 come?

16 A Not to come.

17 Q By this point in time Saturday day of
18 show, were any of your people, the people who worked
19 for PJAM or promoted this event talking directly to
20 Travis' manager David Stromberg?

21 A Yes.

22 Q Did any of your people ever ask David
23 Stromberg if Travis was refusing to come unless Coon
24 got cash?

25 A I don't know David Stromberg. There is an

1 e-mail chain I remember seeing among all the name
2 David Stromberg's name as well. So I don't know if
3 any communication was direct to him or if it was
4 just part of an e-mail chain.

5 Q Well, have you seen any communication to
6 Travis Scott or any of his representatives asking
7 whether or not payment to Coons of cash is a
8 requirement for Travis Scott to show up?

9 A No, I don't remember saying him that.

10 Q But it's your recollection that the only
11 issue on that Saturday?

12 A No.

13 Q Was whether or not Coons was going to get
14 money?

15 A No, I didn't say that.

16 Q Okay.

17 A I didn't says that. I said.

18 Q What did you say?

19 A I said the main issue was Coons demanding
20 money and as we were telling him that we were not
21 going to pay him before Travis performance, he
22 threatened us to pull the plug so to speak on the
23 show. There were conversations as well initiated on
24 logistics and timing.

25 Q Okay. So let's put -- and you paid Coons

1 the cash?

2 A Partially. He demanded it and he took
3 some money and he said that unless we pay him the
4 rest he would call Travis and tell him not to come.

5 Q I just want to make sure. You're unaware
6 of any communication from Travis or his management
7 to PJAM saying he wouldn't come unless Coons got
8 cash? Are you aware of any such communication?

9 A There might be. I don't know.

10 Q But 100 -- as you sit here today
11 100 percent of your recollection that Coons demanded
12 cash or he would tell Travis --

13 A In front of ten other people.

14 MR. TOMASULO: Let him finish his question.

15 BY MR. KING:

16 Q One hundred percent of your knowledge on
17 the demands that Coons was making came from what
18 Coons told you, not anything -- not from anything
19 that Travis' people told you; right?

20 A Well, I have a strong recollection because
21 my physical -- when you're threatened physically you
22 tend to remember things. So the fact that I have a
23 strong recollection on Coons words I think derives
24 from the fact that he had a threatening posture and
25 even made reference to my physical well-being had I

1 not chosen the way to pays him.

2 Q Coons was a thug; right?

3 A I guess.

4 Q Okay. Did anybody from Travis Scott's
5 side threaten you?

6 A No.

7 Q Did anybody from Travis Scott say he
8 wouldn't show up unless Coons got cash?

9 A No.

10 Q So you said you were also aware of
11 logistic issues on that Saturday?

12 A Yes.

13 Q What were you aware of,?

14 A There was an issue on timing of
15 performance and it was agreed that he would perform
16 early as early as 10:00 p.m. local time and I think
17 on our end we were trying to find as a way to
18 cooperate with Mr. Scott so that we would do
19 everything possible to help him to perform. My --
20 that's my understanding like that unless Coon called
21 Travis telling him not to come, he was coming. That
22 was my understanding.

23 Q And on that basis do you conclude that
24 Coon told Travis not to come?

25 A We were all at at lunch and the person

1 demanding money for Coons a fella called Zach. He
2 was very agitated and started screaming, walked away
3 and said if you guys don't give me the money now I'm
4 going to pull the plug quote unquote. He walked
5 away made a phone call, came back to the table of
6 which ten people was there and he said I just spoke
7 to Travis camp and we told him not to come.

8 Q That was Zach or Coon told you that?

9 A Zach.

10 Q What was Zach's last name?

11 A I'm not sure. Z-a-c-h.

12 Q I have something from him?

13 A I'm sure like he's the person that
14 introduced us, Coons.

15 Q What was his role in the show?

16 A He was supposed to promote the event
17 because he's from Philadelphia. He works in
18 Philadelphia and he made a recommendation because
19 his team was at the Super Bowl he would be able to
20 bring a lot of people.

21 Q So you had some business arrangement with
22 Zach?

23 A So Zach -- Zach came us to and said I can
24 get you guys Travis Scott through our friend Coons.
25 He knows Travis very well and that's how the whole

1 thing started. So supposedly this fellow Coons
2 threatened Zach as well so he was very agitated and
3 visibly didn't sleep the night before and said that
4 if we didn't give him the money for Coons, Coons
5 would beat him up and it would be quote unquote
6 ugly.

7 Q What was your financial arrangement with
8 Zach?

9 A I believe ed like a percentage of takes
10 that we would sell. I have to check I'm not sure.

11 Q So Zach was a profit participant in the
12 event or revenue participant in the event?

13 A I would have to double check, but, yes.

14 Q What would you double check?

15 A I would have ask my partner like Jefferson
16 who is the one who knows Zach. He was the one
17 that -- a lot of the front of the house aspects of
18 the show would be run by other people. So they
19 would not report to me.

20 Q So you were telling me about the logistic
21 issues and one of those you said you solved by
22 agreeing that Travis could perform at 10:00 p.m.?

23 A I believe it was solved. As I indicated,
24 but the fact that they produced the passenger list
25 for the jet and I would have the names. Had Travis

1 not agreed on playing we wouldn't have the names of
2 the passengers.

3 Q Why do you say that?

4 A Because he provided a list of people
5 right, so if you don't want to go somewhere you're
6 not going to give me the list of your fellow
7 passengers. He provided a list of names that came
8 directly from him. I assume when the decision --
9 when Mr. Zach came to us and said I told them not to
10 come, I assumed that I took him at face value. I
11 took his words at face value. If he stepped out of
12 the table and said I'm going to tell him not to come
13 and two minutes later he comes and says he's TPHO*TZ
14 coming --

15 Q What time was that conversation?

16 A We were at lunch.

17 Q So that was it lunch on this Saturday?

18 A Yeah.

19 Q Do you know what time you had lunch?

20 A No, I don't remember.

21 Q 1:00 o'clock, 2:00 o'clock, noon?

22 A It was definitely like after 2:00 p.m.

23 Q Lunch after 2:00 p.m.?

24 A Like 2:30 I don't know.

25 Q So let's say 2:30 p.m. on Saturday

1 February 3rd Zach tells you I've just called Travis
2 and told him not to come?

3 A Yes.

4 Q Because you haven't given Coons cash?

5 A Yes.

6 Q And you accept there as a cancellation?

7 A Not at all. We were -- we were visibly
8 upset and we tried to -- can he scrambled. We tried
9 to figure out how to fix it. There were -- there
10 were -- my general manager at the table. Jefferson
11 Agar was at the table. There were local promoters
12 all at the table witnessing this, all trying to
13 figure out what are we going to do for this show.
14 We sent e-mail I think, I believe Jefferson sent
15 e-mail directly to in the e-mail chain to Mr. Scott.
16 I think there was attempts of reaching them. At the
17 same time, yeah there was -- it was quite hectic
18 moment. I mean I have somebody like coming up to me
19 saying give me money or I'll beat you up essentially
20 and he wasn't -- this is all easy to demonstrate.
21 And, yeah.

22 Q but I'm now interested in the chronology.
23 So around 2:30 p.m. on the day of the show, seven
24 and a half hours before the show, Zach tells you
25 that he's called Travis and told him not to come;

1 right?

2 A Yeah, he called Travis' camp.

3 Q He what?

4 A Travis' camp.

5 Q Travis' camp?

6 A I don't know who called.

7 Q He told you Travis isn't coming?

8 A Yes.

9 Q You don't accept that. Everybody starts
10 trying to make direct contact with Travis' camp?

11 A There was a lot of frantic activity trying
12 to figure out a solution for this.

13 Q And in fact, Jefferson or somebody else
14 with PJAM gets in touch with Travis' camp; correct?

15 A I don't know if he gets in touch, but.

16 Q You've seen the e-mails haven't you?

17 A The e-mail I've seen e-mails that I'm
18 copied to, yeah.

19 Q So I assume if you were copies on e-mails
20 you saw them?

21 A Yeah.

22 Q Okay. And did you ever see any e-mail
23 from Travis' camp saying they weren't coming because
24 you hadn't paid Coons?

25 A I don't remember. It's possible that they

1 exist.

2 Q Do you recall any e-mails saying please
3 send us confirmation that you have hired a jet?

4 A I think so and we did send it.

5 Q What did you send?

6 A We sent confirmation with the tails number
7 of the jet.

8 Q Who sent that?

9 A I believe Jefferson sent it.

10 Q Were you copied on that transmission?

11 A It's possible.

12 Q Now, are you 100 percent sure that
13 somebody told Travis' camp that there was a jet
14 hired gave him a tail number?

15 A So I'm reasonably sure. I'm not
16 100 percent sure of things unless I do it
17 personally, but my recollection is that not only we
18 communicated the time of departure, but we even
19 received a list of passengers confirming that they
20 would be coming on the plane.

21 Q And it's your testimony that PJAM paid for
22 that jet?

23 A Define PJAM.

24 Q That someone paid for that jet?

25 A Yes.

1 Q Who paid for the jet?

2 A Manny Kess.

3 Q Is he affiliated with the charter company?

4 A No, he's not affiliated.

5 Q So Manny Kess paid for the jet?

6 A Yeah, it was part of our team as I
7 mentioned.

8 Q When did he pay for the jet, before or
9 after the day of the event?

10 A Before.

11 Q Okay.

12 A We wouldn't get a slot.

13 Q Pardon me?

14 A We wouldn't get a slot.

15 Q That's my next question. What's the
16 closest airport for a private jet to the nightclub
17 are?

18 A I don't know. All I know is we paid the
19 jet before definitely.

20 Q Right, but you couldn't get a landing slot
21 anywhere closer than St Cloud regional airport,
22 right?

23 A That's not my issue. That's not my area
24 of expertise. All I know it was a jet and the jet
25 was waiting for Mr. Scott.

1 Q You think there was a jet waiting for
2 Mr. Scott at Van Nuys airport in Los Angeles?

3 A I was told so.

4 Q Who told you that?

5 A The management, the company that -- that
6 we booked the jet for -- from.

7 Q Do you understand why Mr. Scott or his
8 team would want to see a tail number before they
9 drove to the airport?

10 A Absolutely.

11 Q Why is that?

12 A They wanted to I guess have confirmation
13 that there's a jet waiting for them.

14 Q I may have asked this. Have you ever seen
15 any written communication of somebody from the PJAM
16 side sending someone from Travis' team confirmation
17 of that charter jet?

18 A It's possible.

19 Q All right. We'll come back to that. So
20 2:30 -- after 230 someone is reaching out to Travis'
21 camp to see if they're coming or not. At what point
22 after 2:30 did Travis' camp say they're not coming?

23 A I'm not sure like how we -- I think at the
24 end we took Mr. Zach Seidman or whatever his last
25 name is. We understood he was indeed communicating

1 with Travis camp and by took his words for you know
2 what they were and we understood that Mr. Scott
3 wasn't coming.

4 Q No, one asked David Stromberg or anybody
5 else from team Travis whether he was coming?

6 A I'm not sure, but that's ultimately --
7 most of the communication was mediated using Coons
8 as intermediary. So like that Coons and Zike --
9 Zach were the two people that were communicating to
10 us anything regarding Travis.

11 Q So Zach was part of your team though
12 right?

13 A No, it was friends of Coons.

14 Q But Zach was getting a percentage of the
15 revenue from the event?

16 A I mean in theory even Coons in theory was
17 part of the team because he's the one that brokered
18 the appearance; right? So I think, you know, in
19 this particular case personal relationship
20 superseded financial interest. I don't know.

21 Q but I'm not understanding. You got cash
22 for Coons; right. Not as much as you wanted, but
23 you got him cash?

24 A He took cash.

25 Q He took cash?

1 A Right.

2 Q At that point did you tell Zach he's got
3 cash call Travis?

4 A Yes.

5 Q And get on the plane?

6 A Yes.

7 Q What did he say?

8 A Coons would not do that unless he gets all
9 the money that he was expecting. He wanted all of
10 it in advance.

11 Q Exhibit 1 is in front of you. This is a
12 contract that we have for the show. Why don't you
13 take a moment and take a look at that and tell me if
14 you've ever seen it?

15 A Yep.

16 Q You've seen it?

17 A I have, yes. I recognize it.

18 Q So under compensation on the first page do
19 you see that?

20 A Yes.

21 Q You see \$200,000 fee?

22 A Yep.

23 Q And the final part of that section, do you
24 see 25 percent of the fee will be payable in cash
25 following completion of the services at the event?

1 A Yep.

2 Q Does this refresh your recollection that
3 you had committed to have \$50,000 in cash on hand?

4 A I guess we were, yeah.

5 Q You didn't have that did you?

6 A We didn't have it in the safe before the
7 show.

8 Q You might have had it after the show
9 depending on how much cash people paid; right?

10 A There -- that's correct.

11 Q but there's no assurances of that
12 correct?

13 A I suppose.

14 Q Okay. So would you look at the signature
15 page?

16 A Yep.

17 Q And the dates under the signatures?

18 A Yep.

19 Q Does this refresh your recollection that
20 you didn't have a signed contract with Travis Scott
21 until January 28, 2018?

22 A It says 26.

23 Q Well, it says 26 under Jefferson Agar.
24 What's it say under Jacques Webster?

25 A Twenty-eight.

1 Q So roughly five, six days before the show;
2 right?

3 A Well, this was circulating before, but,
4 yes.

5 Q When did you start promoting Mr. Scott's
6 appearance?

7 A I believe we asked permission to post
8 after we signed. I believe like -- I believe it was
9 even before we asked permission if we could actually
10 advertise a flier even if this particular contract
11 wasn't signed and I think we received permission
12 from Coons saying that we could.

13 Q You received permission from Coons saying
14 that you could promote the show?

15 A Yeah.

16 Q When did you receive that?

17 A I think it was a few days before actually,
18 this particular contract was signed and the reason
19 being that the sticking point was something about
20 sponsorship. So that's why it took us a little
21 longer to negotiate. So there was some reds lines
22 on the support sons section. So the copy that you
23 see is like amended version of a copy that was
24 circulating before.

25 Q I'm going to mark as Exhibit 2 a document

1 that I have been furnished with. it's a trip
2 information and confirmation.

3 (Plf's/Dft's Exhibit ** was marked
4 for identification by the deposition officer and is
5 attached hereto.)

6 BY MR. KING:

7 Q Have you ever seen this?

8 A Yes.

9 Q When did you first see this?

10 A I don't know this exact version. I was
11 part of the -- I was in a meeting when we were
12 talking to the owner of the jet, private jet
13 company. And so we had to provides wire payment for
14 the owner.

15 MR. TOMASULO: The question is when you first
16 saw it.

17 THE WITNESS: So a few days -- a few days
18 before the show. I don't know exactly was the date.

19 BY MR. KING:

20 Q And did you review it when you saw it?

21 A I reviewed the contracts. There was a
22 contract for the jet.

23 Q There was a contract with the jet?

24 A Yes.

25 Q Who was that contract with PJAM or the

1 gentleman in Las Vegas?

2 A Originally it was PJAM, but then they
3 redrafted because Manny Kess was the one paying. So
4 they I think the contract was made to Mr. Kess.

5 Q Okay?

6 A And he signed Mr. Kess it was PJAM, but
7 the signature was Manny, but original contract was
8 to PJAM.

9 Q What time does this confirmation say that
10 Mr. Scott will arrive in Las Vegas?

11 A It was is it 330?

12 Q I think ETA is the right --

13 A I guess it says 3:30.

14 Q I think ETE is the travel time. I think
15 ETA is the arrival time.

16 A 2:45.

17 Q So the jet you believe you had confirmed
18 wouldn't get Mr. Scott to Las Vegas until 2:45 a.m.
19 correct?

20 A I'm not clear if this is local Vegas time
21 or eastern time. Also as you notice the departure
22 is 1:15 a.m., but we discussed about actually having
23 him perform earlier so departing earlier as well.

24 Q How far is the venue to St Cloud regional?

25 A I don't know ^ I'm not sure.

1 Q You don't remember?

2 A I'm not from Minneapolis. So I don't
3 know.

4 Q Okay. Do you know what the weather was
5 like that weekend?

6 A It was colds.

7 Q How were the roads?

8 A Cold.

9 Q Would you agree that 2:45 at 2:45 arrival
10 of Mr. Scott in Las Vegas would be too late for him
11 to honor his commitments in Las Vegas?

12 A No, I don't know that.

13 Q Okay. Do you think he could go on at
14 3:30 somewhere and everybody would be happy about
15 that?

16 A It's not for me to say.

17 Q Well, okay.

18 A Certainly I've been in shows where the
19 headliner has arrived hours later, yes.

20 Q You earlier acknowledged that the
21 condition of him showing up in Minneapolis was that
22 he would be in Vegas by 1:00 a.m.. Do you remember
23 that testimony under oath an hour ago?

24 A Yeah, and I said this 1:15 a.m. departure
25 doesn't reflect the fact that in our negotiations to

1 have Mr. Scott perform we agreed to have his
2 performance slated at the very early of the night.

3 Q When did those negotiations take place?

4 A We were talking to Mr. Zike, with Zach and
5 Coons.

6 Q On the day of the show?

7 A Yeah, the show or the day before. The
8 only time I remember discussing this was, yeah, I
9 believe like there was a discussion both the day
10 before and the day of the show.

11 Q Okay.

12 Q You're not an accountant?

13 A No.

14 Q Are you trained as an accountant?

15 A No.

16 Q You have a degree in economics; right?

17 A Economic history, yes.

18 Q Economic history. Have you ever testified
19 as an expert before?

20 A No.

21 Q I'm going to hand you Exhibit 3. It's a
22 notice of your taking of deposition.

23 (Plf's/Dft's Exhibit ** was marked
24 for identification by the deposition officer and is
25 attached hereto.)

1 BY MR. KING:

2 Q Have you ever seen this before?

3 A Yes.

4 Q Starting on page 5 it asks for you to
5 produce certainly documents. Have you seen that
6 before?

7 A Yeah.

8 Q What efforts did you make to get any of
9 the documents set forth in requests No. 1 through 8?

10 A I at first I'm not sure I understand.
11 Like I produced what I had.

12 Q Okay. So you don't have any
13 communications with any of your partners?

14 A No, I do have communications.

15 MR. TOMASULO: Let him finish the question.

16 THE WITNESS: I'm sorry.

17 BY MR. KING:

18 Q I can go through these one by one, but
19 your counsel has produced four documents today which
20 I'm going to ask you about, so I asked what you
21 efforts you've made to find any of the documents
22 enumerated in requests one through eight other than
23 these her to documents that have been produced?

24 A Uh-huh.

25 Q Any efforts?

1 A Most of my communication were made by
2 phone or in person with people that I talked to.

3 Q You have a lot of communications by text
4 message, don't you?

5 A Some.

6 Q How many text messages did you produce?

7 A I -- I believe that was communication
8 regarding the preparation of the expert witness
9 report; right?

10 Q No, how many text messages -- let me step
11 back?

12 A Yeah.

13 Q It's a very simple question?

14 A Sure.

15 Q What efforts did you make to locate
16 documents within your custody or control that are
17 responsive to requests one through eight?

18 A I made all the efforts I could, all the
19 attempts I could keeping in mind the bulk of e-mail
20 communications for Twin City Live is beyond my
21 reach. So I communicated that to the attorney and I
22 explained that. I don't know if he explained to you
23 or not.

24 Q Well, you don't have to tell me what you
25 communicated to your lawyer, but I'm interested --

1 twin cities live is just a business name for PJAM;
2 right?

3 A Yeah, it is the brand name.

4 Q You're the manager of PJAM?

5 A Sure.

6 Q So why do you tell me the communications
7 with twin cities live are out of your custody or
8 control?

9 A Because Twin City Live hosting, hosting
10 like the service that provides hosting all the
11 e-mails.

12 Q Right?

13 A Has been discontinued so all the Twin City
14 Live e-mail that communication -- that was, you
15 know, where I could just find most of the e-mails is
16 currently unavailable to me. Now, I did make
17 attempts on record to reach to Google which is the
18 company where the Web site is hosted and we have
19 multiple attempts to reach Google customer service
20 to grant us access to the e-mails. Not only by me,
21 but by other people involved as well. So.

22 Q Well, regardless of who hosts it all the
23 e-mails have a recipient and a sender; right?

24 A Right, but we can't access the e-mail.
25 It's a web based e-mail service. So the e-mails

1 they're not downloaded on the device. They're in
2 the cloud. We have no access to Twin City.

3 Q What he auto mail address did you use
4 during the period of time?

5 A My Twin City Live e-mail address.

6 Q Which is what?

7 A Alex at Twin City Live dot com. And
8 everybody associated with this show had an e-mail
9 address that was as a Twin City Live domain.
10 Occasionally there would be -- I would be copies I
11 have another e-mail address so people would just cc
12 other addresses as well. And that's how I was able
13 to produce some of the communication just because I
14 was cc'd on other e-mails on other e-mail addresses.

15 Q Let's go through them one by one. When
16 was the e-mail server closed?

17 A I believe it was like maybe April
18 following the show or May. I don't know.

19 Q Request one is any documents regarding the
20 form in which your expert report was created. So --

21 A That wouldn't be Twin City Live, that
22 would be my current e-mail.

23 MR. TOMASULO: The question is what effort he
24 made to find -- I missed the question.

25 MR. KING: That was a bad question.

1 Q What's your e-mail address that you
2 currently use?

3 A I have several, but you could call it my
4 primary address is Alex at Art of Digital dot com.

5 Q What efforts did you make to recover any
6 communications that relate to your expert reports?

7 A So for my expert report was drafted --
8 there was no communication between me and PJ, for
9 example. We discussed things with the attorney and
10 you know, it was informed by conversation I had with
11 people in night life that I know for 20 years and
12 there's no particular communication that I use in
13 order to create that report.

14 Q So I just want to make sure there's not
15 one written communication you had with anybody?

16 A Other.

17 Q Relating to the formation and creation of
18 your expert report?

19 A Other than between me and my attorney,
20 yes.

21 Q Who wrote the report you or your attorney?

22 A Mostly drafted by my attorney.

23 Q And do you have possession of the various
24 drafts -- how many drafts were you given?

25 A Well, it was written on my -- based on my

1 direction. So there was a lot of communication
2 before the draft and then, yes there was multiple
3 drafts.

4 Q So your attorney prepared the first draft
5 based upon conversations?

6 A Interviews, yeah. First it was
7 interviews, series of interviews.

8 Q When were those interviews?

9 A Before the time --, you know, before it
10 was prepared. I don't know maybe like in the weeks
11 leading to the preparation of the report.

12 Q How many different drafts were prepared?

13 A I believe like at least two.

14 Q And what changed between the drafts?

15 A There was some minor corrections that I
16 told them to amend.

17 Q What did you tell them to amends?

18 A They were mostly based on form. It was
19 nothing substantial.

20 Q Was there anything you asked them to put
21 in the report that didn't get in the report?

22 A I don't remember. I would have to check,
23 but I don't think so.

24 Q Request for production No. 2 are any
25 communications between you and the other PJAM people

1 concerning your expert work. You told me there's no
2 written communications?

3 A No, no --, yes there was no commit even
4 communication. Certainly PJ would not have any
5 feedback on this report because that's not his
6 business and neither do the investors. One is an
7 attorney and one is a businessman so they would not
8 have feedback on this.

9 Q You didn't solicit their feedback?

10 A I wouldn't need their feedback.

11 Q I'm asking you if you discussed with any
12 of them your expert report?

13 A I discussed things with Jeff son Agar and
14 it was in person communication.

15 Q What did you discuss with Jefferson Agar
16 about your report?

17 A I told them that we were preparing a
18 report, going to court and you know, we did
19 preparation of things. We used some information,
20 for example, of similar events that he put together
21 that are comparable in size for the event we were
22 producing.

23 Q And he gave --

24 A He disclosed some information of events he
25 was associated with that would be relevance in this

1 case and that I also put him in touch with the
2 attorney as well. And I believe they spoke
3 privately.

4 Q I just want to make sure there's no
5 writings that were ever exchanged that detailed the
6 data he provided you for the inclusion in the
7 report?

8 A The data that Mr. Agar provided, I think
9 he pro he didn't provide it to me he provided it to
10 counsel in writing or they spoke. but we discussed
11 things and then I put them in touch and they spoke
12 directly.

13 Q Have you ever seen any ^ check written
14 data he prepared?

15 A I didn't ask.

16 Q Why not?

17 A He told me he spoke to him and he got
18 everything that he needed and I had no reason to
19 ask.

20 Q So certain parts of your report are based
21 upon data given by Mr. Agar to the lawyers that
22 you've never seen?

23 A No, I never said in writing. I discussed
24 it.

25 Q So No. 4 says any communications between

1 you and a whole list of people and then I'm going to
2 jump otherwise relating to this litigation. Do you
3 see this in No. 4?

4 A All communication between you and --
5 concerning or otherwise relating to this litigation,
6 I think I produced that. I gave all the e-mails or
7 communication text messages that I had I provided it
8 to the attorney.

9 Q How many text messages do you think
10 provided?

11 A I don't know.

12 Q Can you make a reasonable estimate?

13 A It was screen shots like a few. There
14 weren't even my screen shots. I think they belonged
15 to Jefferson.

16 Q What about e-mails? Did you provide any
17 e-mails?

18 A I did provide some e-mails.

19 Q How many?

20 A I don't know. Maybe like ten. I probably
21 could access -- I could have more e-mails if I could
22 access the e-mail account that is that is right now
23 did he activated.

24 Q Certainly e-mails from April on would have
25 been in an accessible account?

1 A There was very little discussion after,
2 you know after April.

3 MR. TOMASULO: I can represent to you he did
4 provide certain e-mails and texts that I did not
5 believe were responsive to these requests.

6 MR. KING: That's fine.

7 Q How much time did you spend in creating
8 your report?

9 A There's several interviews, phone
10 interviews with the attorney and time reviewing
11 passed on to me and that was mostly the base. And
12 some time trying to find some industry data.

13 Q What other industry data did you try to
14 get?

15 A Just -- I have my experience was -- I had
16 a very good sense of how many drinks per customer in
17 general people consume at these type of shows and I
18 was trying to find third-party reports that
19 corroborates my intuition or my experience.

20 Q Did you find those third-party reports?

21 A Yeah, I provided it to the attorney.

22 Q Did you provide it to us?

23 A I'm not sure.

24 MR. TOMASULO: That's one of the two things I
25 gave you.

1 MR. KING: This is your original. I'm going to
2 mark as Exhibit 4 basically what was produced by
3 your lawyered to.

4 (Plf's/Dft's Exhibit ** was marked
5 for identification by the deposition officer and is
6 attached hereto.)

7 MR. KING: So why don't you take a look at
8 Exhibit 4. I think it's four different documents.

9 Q And my question is very simple. Is
10 Exhibit 4 the totality of any industry data you
11 surveyed in reaching your opinion?

12 A Say again.

13 Q Does Exhibit 4 represent all of the city
14 data you accessed to support your opinions?

15 A Well, most of my opinions are supporting
16 by years and years of experience in the night life
17 industry.

18 Q Right.

19 A I think there's -- there's information
20 available on the Internet that would support as a
21 similar conclusion, namely the night life industry
22 association of America that indicate 2.5 drinks is
23 the average alcoholic beverage that a customer would
24 drink at a show, a nightclub.

25 Q I just want to make sure that what you

1 produced in Exhibit 4 is the totality of all of the
2 industries data you surveyed in order to support
3 your conclusions?

4 A I surveyed -- I wasn't trying to survey, I
5 was trying to identify documents that would
6 corroborate my experience.

7 Q Does Exhibit 4 constitute the totality of
8 the documents that you located to corroborate your
9 experience and your opinions?

10 A They're the ones that were available
11 immediately available online. I'm sure there's -- I
12 could locate more if I spent more time looking for
13 it.

14 Q Why would you do that?

15 A I don't know may be prepare for trial.

16 Q Maybe it would not support your opinion?

17 A Well,.

18 Q Right?

19 A I spoke to Mr. Jefferson Agar and he think
20 that two and a half drinks per person is a
21 conservative number.

22 Q But your written industry data consists of
23 two articles that you furnished us; right?

24 A There was just -- there's not like -- I
25 didn't base my report on this article. My report

1 was based on 15 years of night life experience.

2 Q So none of your report is base did upon
3 what's in Exhibit 4; is that correct?

4 A I would say it corroborates my report.

5 Q Corroborates your instinct over 15 years
6 of experience?

7 A Yes, 15 plus.

8 Q What do you mean by empirical data ^
9 check?

10 A It means over the course of the years if I
11 produce 200, 300 shows and I can say that the
12 minimum amount of drinks that average customer
13 drinks is about at least two: So over the years
14 that informs -- that occurrence informs my
15 experience. It's not an instinct. It's a pattern
16 recognition. So that's how I feel strongly about
17 it. People will go to an event like this and use --
18 and consume at least two drinks.

19 Q Who is a Emiliano Lo Manto?

20 A That's my name on my I.D.

21 Q Your name is not Alex Martini?

22 A My name is Alesandro, but people call me
23 Alex.

24 Q But your last name is Lo Manto?

25 A My official last name on my I.D., yes.

1 Q Why do you use a different name?

2 A I like it.

3 Q I'm going to hand you Exhibit 5 which is
4 the first expert witness disclosure we reached -- we
5 received in this case.

6 (Plf's/Dft's Exhibit ** was marked
7 for identification by the deposition officer and is
8 attached hereto.)

9 BY MR. KING:

10 Q I would ask you to take a look at the
11 Exhibit A and tell me if that is your first expert
12 report?

13 A Yep.

14 Q So on that one page 1 under opinions?

15 A Yep.

16 Q Are you with me?

17 A Yeah.

18 Q Your first opinion is PJAM would have sold
19 at least 2,000 general admission tickets as an
20 average price of at least \$300. I think you already
21 told me you don't know how many were sold as of
22 Saturday afternoon when the show got canceled;
23 correct?

24 A Uh-huh.

25 Q I'm correct?

1 A Yes, you're correct.

2 Q And is it your testimony under oath that
3 the tickets were going to sell for \$300 each?

4 A There was the intended price. We actually
5 started to put tickets online at a higher amount.
6 Part of the reason why the initial negotiation with
7 Mr. Scott failed was that when we indicated the cost
8 of the tickets being \$499, the manager said that the
9 tickets were too high and so we progressively
10 reduced the tickets so the \$300 it was the amount of
11 close competitors. We used that in this particular
12 report. We used that competitor as a benchmark of
13 some events at higher ticket price. Some of the
14 other ticket price were lower. Certainly by
15 Saturday afternoon, I believe, that we probably
16 could have like sold tickets in cash at the door may
17 be more for if people wanted to come to see Travis
18 maybe they would have paid more.

19 Q Maybe they would have?

20 A Hopefully.

21 Q Maybe they wouldn't even have shown up.
22 You don't know?

23 A Certainly I hope a star like Travis would
24 bring people to the show.

25 Q But you had no assurances that would

1 happen?

2 A We don't have no assurance of anything in
3 life.

4 Q You could make some estimates as of the
5 afternoon of the show; correct?

6 A Some.

7 Q And, in fact, you didn't sell any tickets
8 at \$300 did you? Weren't the tickets on sale for
9 \$150?

10 A I would have to check that.

11 Q I'll show you some advertisements in a
12 minute, but you don't recall what the tickets were
13 actually on sale for?

14 A I recall what we put the tickets at the
15 beginning originally and I believe it was actually
16 \$500.

17 Q Did you sell any tickets at \$500?

18 A I would have to again check.

19 Q Okay. Well, you're making a rather
20 bold --

21 A Actually, I think we did.

22 Q Okay. In fact weren't the tickets
23 advertised at \$150 with a no host bar or \$295 with
24 all the boos you could drink?

25 A There is no standard practice at Super

1 Bowl.

2 Q Would you know what the tickets were
3 advertised at?

4 A Standard practice at Super Bowl to have on
5 bar tickets.

6 Q It is or is not?

7 A It is.

8 Q So was the \$300 for an open bar ticket?

9 A Yes.

10 Q So then why in the next sentence do you
11 say PJAM would have sold another \$100,000 of drinks
12 if it would have been standard practice to have an
13 open bar?

14 A Because the open bar ticket sometimes it's
15 at of a amount of time. There's not on bar all
16 night. It could be on bar up to a certain point.

17 Q Do you even know what your arrangement was
18 for that Saturday show?

19 A What does it mean arrangement?

20 Q Did you have a cut off for open bar
21 tickets for the show?

22 A We would decide when and if there was an
23 open bar. It was entirely up to us.

24 Q When would you decide?

25 A What do you mean?

1 Q Well, had you decided by Saturday
2 afternoon of the show?

3 A We certainly like the negotiation with
4 Mr. Scott took the majority of the time.

5 Q Had you decided by Saturday afternoon who
6 was going to have to pay for drinks?

7 A We had decided -- we were in heavy
8 negotiation with Mr. Scott and the majority of the
9 time was taken for that.

10 Q You were in negotiation with Mr. Scott
11 over the drinks?

12 A The camp, no, no negotiating about
13 participation. That's what I was focusing on.

14 Q Did you know by Saturday afternoon how
15 much people were going to pay for drinks or whether
16 they were getting free drinks ^ check?

17 A My understanding was at this point on
18 Saturday we were opting out of the open bar. We
19 were just doing a cash bar.

20 Q Well, was that advertised somewhere? Did
21 you tell people in your promotion and marketing
22 efforts how much it cost?

23 A We would have different advertisement
24 depending on different networks or different
25 circles.

1 Q I don't know what that means. What do you
2 mean by different networks?

3 A Promoters, the deciding to set a ticket
4 price. So different -- there would be multiple
5 ticket price. Different promoters could offer
6 different links with different ticket prices.

7 Q You don't know what those various
8 alternatives were?

9 A Alternative in what sense?

10 Q You said different promoters could offer
11 different ticket prices. Do you know what those
12 variations were?

13 A I can tell you the average ticket price
14 would be \$300.

15 Q But you don't know what the actual average
16 ticket price was, do you?

17 A I can find out.

18 Q Well, today is your time. You don't know
19 as you sit here what the average ticket price was,
20 do you?

21 A Ways. You're talking about the average
22 ticket price was actually sold prior to the event?

23 MR. KING: Or offered. How about offered. You
24 don't know what the average.

25 THE WITNESS: It changed. You mean like the

1 day of?

2 Q Anytime. You only signed up a week before
3 at best. During the week before how many times did
4 the ticket prices change?

5 A Several times.

6 Q But you don't know what those changes
7 were?

8 A I told you it started at as a high other
9 price and you're correct by the end of Saturday
10 afternoon the price I believe was \$150.

11 Q Okay.

12 A So the average price I guess would be in
13 excess of \$300 if you average from the moment the
14 first price was released to the moment the last
15 amount was offered.

16 Q Well, you've actually done the math to
17 conclude under oath that the average ticket price
18 was three hub dollars?

19 A No, I haven't done the math. I have to
20 check what was the first day. I have to do the
21 math.

22 Q You don't know how many tickets were sold
23 at \$500 do you?

24 A I don't.

25 Q You don't know how many tickets were sold

1 at \$300 do you?

2 A I don't.

3 Q You don't know how many tickets were sold
4 at \$150 do you?

5 A I told you at the beginning.

6 Q How you would reach a conclusion that you
7 would have sold \$600,000 worth of tickets if you
8 don't know how much you sold as of Saturday
9 afternoon?

10 A I'm operating under the assumption we
11 would sell out the venue.

12 Q Did you sell out the venue the night
13 before?

14 A Almost.

15 Q What was the ticket price the night
16 before?

17 A I believe it was -- I believe it was like
18 over \$200.

19 Q What's the size of the venue?

20 A The size of the venue the legal capacity
21 is, I believe, 3500 people, but it got reduced
22 because we brought furniture and made with the venue
23 less empty so to speak.

24 Q What was the capacity as you configured
25 it?

1 A How many people?

2 Q Yes, how many tickets could you sell?

3 A We could sell potentially 25 hundred
4 tickets.

5 Q So if you sold out the night before that
6 would be \$200 --

7 A No I think it was full. I said it was
8 full. I didn't say we sold out.

9 Q 2500 seats. What did you gross Friday
10 night? I think you told me it was \$100,000?

11 A It was 110,000.

12 Q Total tickets and boos?

13 A We unfortunately there was when the storm
14 was own Friday. There's no storm. There was no.

15 MR. TOMASULO: Just answer the question.

16 BY MR. KING:

17 Q Friday night you had 2500 seats?

18 A We didn't sell 2500 seats.

19 Q You said it was full?

20 A It was full.

21 Q Are that would indicate to me close to
22 2500?

23 A N.

24 Q What do you think full means?

25 A I have to double check on the actual

1 numbers. I think there was probably in and out it
2 was -- I would have to guesstimate that so I don't
3 want to.

4 Q I don't want any guesses. I really want
5 your expert testimony?

6 A Yes.

7 Q So there's 2500 seats. You didn't sell
8 out, but it was full. And you claim under oath that
9 it was \$200 a ticket, but somehow you grossed
10 including boos \$110,000 that night?

11 A So there's a difference between tickets
12 comped and tickets that are paid. So you can comp
13 tickets and you can have 1,000 people coming that
14 could be comped because the promoaters want people
15 in the venue. So I know they did a lot of comping
16 tickets on Friday.

17 Q I'm familiar you only comped tickets
18 because you haven't sold enough to fill the venue.

19 A That's your opinion.

20 Q Why would you comp tickets for a one off
21 show in Minneapolis.

22 A We would like to have people coming and if
23 you believe that you can build a brand and have
24 multiple events after. That was part of it. That's
25 certainly like we gave a lot of tickets to some

1 people that were partners.

2 Q How many tickets did you comp Friday
3 night?

4 A I don't know.

5 Q How many tickets did you comp Saturday
6 night?

7 A I don't know about Saturday, but I think
8 on the actual comp rate list or Friday there were
9 like I think a list like a list of six or 700.

10 Q So you comped 700 tickets Friday night?

11 A I don't know how many of those people
12 came, but their wrists bands not ticket, but access
13 wrist bands. I remember the number because I had to
14 like sign off on the number of bracelets that we
15 could create.

16 Q How many comps were there created for
17 Saturday night?

18 A So Saturday night we didn't make the comps
19 because we still had bracelets from the night before
20 so there was not the same process that we had to go
21 through. It was not necessary for Saturday.

22 Q How many comps did you anticipate giving
23 on Saturday night?

24 A At that point I didn't have any -- I
25 didn't know. I didn't know how many people were

1 going to show up without Travis.

2 Q I'm talking before Travis before you think
3 he canceled how many comps had you can't had for for
4 Saturday night?

5 A I think what was leftover from the night
6 before. Like probably a couple hundreds.

7 MR. TOMASULO: When you get a chance can we
8 take five minutes?

9 MR. KING: This is fine.

10 THE VIDEOGRAPHER: Off the record. The time is
11 1231.

12 (A recess was taken from ***** to
13 *****.)

14 THE VIDEOGRAPHER: Back on the record the time
15 is 1246.

16 BY MR. KING:

17 Q You said that you were trying to build a
18 brand by putting on these shows over Super Bowl
19 weekend. Did I get that right?

20 A Yes.

21 Q Whose brand were you trying to build?

22 A Our brand.

23 Q Under the name of?

24 A Twin City Live.

25 Q What was the brand to be known for?

1 A Events, events at sporting events like the
2 idea was to create a brand that would produce
3 events, Super Bowl would be a good example.

4 Q Produce events in the twin cities?

5 A Twin City Live it was just the name for
6 the show.

7 Q That's what I was asking. I know that was
8 the name you used for the shows in Minneapolis. Was
9 that the brand you were trying to build?

10 A Yeah, Twin City.

11 Q Did you do other shows in the twin cities
12 or beyond the twin cities?

13 A No, as the name of shows.

14 Q How many other shows did you guys put on?

15 A No, that was the idea to build a brand. I
16 didn't say we had a brand.

17 Q Have you built a brand?

18 A Personally?

19 Q Twin cities live?

20 A Yeah, it was -- there were branding
21 efforts on the way. It was our first show.

22 Q How many shows have you done since Super
23 Bowl 18?

24 A That I produced.

25 Q Twin cities live?

1 A None.

2 Q And you attribute that to not putting on
3 the Travis Scott show?

4 A Certainly the press there we got after was
5 not conducive for us booking heads liners in the
6 Future.

7 Q Under that name?

8 A Under my name. I was named personally.

9 Q Did it adversely affect your ability to
10 book shows?

11 A Absolutely.

12 Q Tell me how.

13 A I was called a want to be promoter.

14 Q I called you that?

15 A I take offense at that.

16 Q I'm asking what adverse of impact did that
17 have are you no longer able to produce shows?

18 A I'm involved in a show in two weeks.

19 Q What adverse effect did you suffer as a
20 result of me calling you a want a be promoter?

21 A Challenging. Probably dealing with a
22 booking agency or headliners.

23 Q Have you lost any deals?

24 A I didn't seek any deals.

25 Q Did you have any adverse economic effect

1 of being called a wanna be promoter?

2 A I have to think about it.

3 Q Back to your report. You say PJAM would
4 have sold at least 30 tables at an average price of
5 \$5,000 per table. You don't know if you sold any
6 tables at any price?

7 A A few tables.

8 Q At what price?

9 A I would have to double check on that.

10 Q Well, you don't know as you sit here today
11 what price?

12 A There was above 5,000.

13 Q Okay. Of those you don't know how many
14 you refunded?

15 A I think we refunded all of them.

16 Q Under facts and data considered, you say I
17 have extensive national and international experience
18 with concert event and party promotion.

19 I was intimately involved with the
20 planning management of marketing of the Super Bowl
21 weekends, which we have talked about. This included
22 analysis of the economics of high end Super Bowl
23 weekend events.

24 What analysis did you perform of the
25 economics of high end Super Bowl events?

1 A I base -- that's a consequence -- that
2 sentence is -- refers to other Super Bowl events or
3 discussion I had with people that produce Super Bowl
4 events. And that's what the sentence means.

5 Q Okay.

6 Q Do you have any written analysis of the
7 economics of high end Super Bowl week end events?

8 A I didn't write what I was reading at the
9 time or I didn't write a memo on conversation that I
10 had with people that worked at the high end events
11 during Super Bowl.

12 Q So there's no documentary evidence of your
13 analysis other than what you've written in this
14 report?

15 A I usually don't write memos for
16 conversations.

17 Q How many people did you talk to in forming
18 your analysis?

19 A Several.

20 Q How many?

21 A Before this show or regarding this report?

22 Q Regarding this report.

23 A That I can immediately remember like at
24 least five.

25 Q Who are those five people?

1 A I can send you, I can give you a listing
2 of names.

3 Q You don't remember?

4 A Some of the spellings may be off.

5 MR. TOMASULO: Tell him one.

6 THE WITNESS: Yura Shabatayev, Yura Shabatayev.

7 Q Uh-huh.

8 A Eric lump Brock, ^ Ronnie Madra, Yosi Ben
9 advice it a ^ Jefferson obviously Jefferson Agar,
10 Rubin Arnetta ^. These are people that I had like
11 conversation on the report and then those are people
12 that I work with in night life over the course of
13 the ten or 15 years.

14 Q People you work with?

15 A I work with them or for them in some
16 cases.

17 Q Doing what?

18 A Promoting events.

19 Q Is that the primary experience that you
20 have that influences your expert opinion is your
21 experience in promoting events?

22 A Yes.

23 Q And do you have any particular training
24 for that? Is that on-the-job training?

25 A Experience.

1 Q What does that mean, promoting as it
2 relates to what you've done? What does that mean to
3 promote an event?

4 A It means, depending on which event. I
5 have different capacity -- I work in different
6 capacity depending if it's nightclub or festival.

7 Q So tell me in a nightclub what your
8 promotional experience is.

9 A Anything could range from doing bookings
10 for talent to bring people to the club or even like
11 do the hiring of staff, waitresses, door men,
12 deciding who gets in or doesn't.

13 Q Have any of the events you've promoted
14 lost money?

15 A Yes.

16 Q Why?

17 A Sometimes not everything goes according to
18 the plan.

19 Q Sometimes have you been wrong about your
20 estimates of tickets to be sold?

21 A I was mostly working New York in a
22 favorable market condition so I considered my night
23 life experience overall to be a success.

24 Q I'm picking at a scab. I'm asking you
25 about the ones that weren't successful? What

1 happened? What are you just wrong on your
2 estimates?

3 A You asked me if I was associated with
4 events that were not successful. It might not be
5 something I was directing producing, but I would be
6 associated with.

7 Q I'm sorry what's the difference between a
8 show that you've directly produced and something
9 you're associated with?

10 A So another club owner puts together a show
11 like, for example, Eddie Dean ^, a past show with
12 Travis Scott, that that's his show, that's his
13 venue. He will ask promoters to bring people. In
14 that case it was a success. But if he miss
15 calculate something it could have been a failure I
16 still promote the show, but I work for him.

17 Q Okay. On the next page you say your
18 opinions are in large part based upon my experiences
19 at what can be expected at a high end Super Bowl
20 event. What are your direct experiences with high
21 end Super Bowl event at least prior to 2018?

22 A Well, we produced a show the year before
23 bust a rhymes in Houston ^ and I also worked for a
24 group, one-up group in the past. And they're well
25 known for v-i-p high end events around the world.

1 So I worked with them in multiple locations from
2 Central Bay to Ibiza to like other New York.

3 Q What involvement did you have in the 2017
4 bust a rhyme Super Bowl?

5 A I was associated -- well, it was primarily
6 Jefferson Agar event. And I would pass along
7 reservations for tables and giving them my Rolodex
8 of clients for tables.

9 Q So your sole involvement with that?

10 A Was promoting.

11 Q Okay?

12 A So it's active enrollment it wasn't
13 passive. It was actually on the basis on that
14 success so to speak that I saw the potential for for
15 profitable event at Super Bowl.

16 Q And at One Oak Group, those weren't Super
17 Bowl events; right?

18 A Some were.

19 Q Was your involvement the same thing
20 providing customers, potential customers?

21 A Yeah, and expertise and, yeah.

22 Q You weren't a principal?

23 A No, I was not.

24 Q In either of these?

25 A No.

1 Q Okay. Then you go on to say at a venue
2 like myth live which holds over 4,000 people?

3 A Yes, 3,750 is legal capacity and then
4 there's a second room upstairs which we did not
5 utilize, but potentially could have been utilized if
6 I had made that choice.

7 Q Was it configured for 2500 people or 4,000
8 people?

9 A The legal capacity of the venue is, I
10 believe, 3700 -- 3750 for the main venue. And then
11 there's another room upstairs which we didn't use.
12 I think what I also said was that because of the
13 furnitures that we put in place, the capacity would
14 be reduced. Noise legally we could have sold more
15 tick nets theory, but in practice I think 2500
16 people would have fit comfortably.

17 Q Okay. How many tickets were you planning
18 to sell if everything sold out, 2500?

19 A Less because some ticket were maybe like
20 part of the tables. So I think 2,000 was our
21 target.

22 Q The next paragraph you say I researched
23 the revenues generated by another v-i-p event in
24 Minnesota?

25 A Yep.

1 Q What research did you do?

2 A I called my friends who produced the
3 event.

4 Q What event?

5 A Tao.

6 Q Who was head lining that event?

7 A I'm not sure.

8 Q I asked him how did he do in ticket sales.

9 Q You don't know who --

10 A There were multiple headliners. It was --
11 there's a lot of DJs. I believe cascade ^, I
12 believe who else was playing? There were like
13 multiple.

14 Q That's a comp that you used to support
15 your opinions; right?

16 A Well, there was a group from New York.
17 I'm from New York. There was one that was mutual to
18 me and the I went to see how many tickets were in
19 ticket sales and I thought there were comparable in
20 size, actually, were bigger. We were a bigger
21 venue.

22 Q Okay. You don't know who was performing.
23 Do you know how long she promoted and marketed the
24 show?

25 A I just asked them what was their revenue.

1 Q So you don't know how many of that revenue
2 was tickets, tables, alcohol?

3 A I think the 300,000 they gave me was just
4 tickets and it didn't include table service.

5 Q How much were their tickets?

6 A Their tickets were starting at \$300.

7 Q And then they told you is a they sold
8 tickets above 3 hundred dollars?

9 A I think they were selling tickets for
10 \$300. It's easy to double check that.

11 Q Do you know if they actually sold tickets
12 at \$300?

13 A I'm sure they did.

14 Q Who did you talk to them?

15 A I spoke to a friend of mine who works
16 there.

17 Q Does he have a name?

18 A I gave you the name. Rubin Arnetta ^.

19 Q And then you also relied in forming your
20 conclusions on what you learned about Drake's
21 alleged performance in a New York show; right?

22 A So that was Mr. Agar, yeah.

23 Q He gave you the information?

24 A Yes.

25 Q The other plaintiff, one of the plaintiffs

1 in this case -- one of the owners of PJAM?

2 A Yes.

3 Q Have you done any analysis other than what
4 you've talked about in Houston and at Tao, any
5 analysis of what other Super Bowl shows have done as
6 far as their financial performance?

7 A I mean we were intimately involved with
8 the bounce group. They produced several, several
9 events, Super Bowl they're very well known and they
10 were working with us closely and their stuff was our
11 stuff. We flew in their stuff.

12 Q Are you talking about for the Travis Scott
13 show?

14 A We flew them in to Minneapolis, yes. So
15 as we were gearing up and preparing the event we
16 worked with them closely.

17 Q What is their role?

18 A They just branded one of the nights, the
19 Friday night so we co branded a night with them.

20 Q What did you co brand it as?

21 A They added bounce to our fliers.

22 Q My question is did you undertake any
23 analysis of how other Super Bowl shows performed in
24 reaching your conclusions?

25 A My conclusion is based on the conversation

1 I had with them and our experimentation that we
2 would have sold out you know that was certainly how
3 we anticipated things.

4 Q Can you identify any other Super Bowl
5 party that you analyzed to help support your
6 conclusions?

7 A No, I can't. I would like to rephrase
8 that. I know of several Super Bowl parties that had
9 similar scope and scale and revenues, I just I can
10 produce a record of it, but I can talk about Maxine
11 parties or other parties that have generated a
12 similar amount in revenues or pneumatic ^ check. So
13 I didn't speak to any principal of those events.

14 Q Did you rely upon the financial
15 performance of any of those events in reaching the
16 conclusions that are in your expert report?

17 A So as I said I didn't speak to them.

18 Q Okay. So you then didn't rely upon the
19 financial performance of those events?

20 A Sorry -- I didn't rely on data provided by
21 them, but other than the fact that we would know how
22 many people go to a mixing party and we would go if
23 it's sold out or not and extrapolate how many paid
24 tickets.

25 Q Did you do that analysis those

1 extrapolations in preparation of this expert report?

2 A No, I didn't.

3 A There was more for the forecast for the
4 show.

5 Q And as of February of 2018 it was your
6 opinion that Travis Scott had a higher profile than
7 Cardi B?

8 A I certainly comparable if not more.

9 Q Okay.

10 A Certainly asked for more money he asked
11 for 400,000. And she only wanted by hundred 60,000.

12 Q I hired m and m for 25,000 once. I didn't
13 ask you the question. I asked you whether Cardi B
14 was as popular as Travis Scott by the time of Super
15 Bowl 18?

16 A This is very subjective. I don't know. I
17 think in terms of records probably Travis was more
18 popular.?

19 Q Then you state typically the Saturday
20 before Super Bowl generates much larger revenues
21 than the Friday night.

22 Other than on your instinct and common
23 sense what do you base that opinion on?

24 A I spoke to before the show when I spoke to
25 people -- even before deciding if we wanted to

1 take -- we were going to take -- start this venture
2 we spoke to a lot of people and when we were offered
3 like two options, separate the Friday and the
4 Saturday or do like a one single event maybe only
5 Friday, only Saturday, the conversation I had with
6 people that had done a lot of shows at Super Bowl
7 was always the same like the conclusion was the
8 Saturday night is the night. If you had to choose
9 just focus on the Saturday and at the ends we
10 decided to do both, but I had countless conversation
11 about the merit and salary verses Friday.

12 Q Did you know were you going to lose money
13 on Friday night?

14 A We were not striving to lose money, but we
15 were hoping at the very least, you know, if the
16 weather been better we anticipated to do better so,
17 yeah, so I didn't know. I was hoping for a better
18 result, yes.

19 Q Okay. Would you say the bulk of your
20 involvement in the entertainment and promotion
21 business has been arranging for customers to show up
22 to events?

23 A No.

24 Q How would you characterize the bulk of
25 your involvement in the entertainment and promotion

1 business?

2 A Nightclubs experience.

3 Q Doing what with nightclubs?

4 A Depending on the nightclub, in some night
5 clubs I would be there to do a promotion. I would
6 make sole decision on what promoters the club would
7 hire. Other nightclubs I would be hired on specific
8 nights. I work with all the best nightclubs in the
9 world. I on some of the most famous nightclubs in
10 the world. Maybe you were at some of my clubs when
11 you came to New York.

12 Q It's possible?

13 A It's possible.

14 Q All right. I'm going to now hand you a
15 document I'm marking as Exhibit 6.

16 (Plf's/Dft's Exhibit ** was marked
17 for identification by the deposition officer and is
18 attached hereto.)

19 MR. KING: It's also entitled expert report of
20 Alex Martini.

21 Q This was your second expert report;
22 correct?

23 A I would have to compare the draft.

24 Q You --

25 A I was asked for additional information

1 that could corroborate my experience in nightclubs.

2 Q What additional information did you add to
3 this report that wasn't in the first report?

4 A To the best of my recollection, I added
5 some specific instances of venues that I had been
6 associated with where I had an active role or a job.

7 Q So I think what you did basically is ad
8 Exhibit 1 and 2, 1 being an overview of your work
9 experience promoting events, I'm just reading from
10 the fifth page of your report, and Exhibit 2 being a
11 listing of note worthy events with which you've been
12 associated and high profile promoters with whom I
13 have worked.

14 A Yep.

15 Q Let's look at Exhibit 1. Can you tell me
16 what Exhibit 1 --

17 A It's a spreadsheet of a calendar view of
18 my experience.

19 Q Were you the principal of any of these
20 events?

21 A What do you mean by principal.

22 Q Where your opinion was at risk?

23 A In some events.

24 Q Which events?

25 A Like in the Hampton's there would be

1 events where I would be responsible for paying for a
2 DJ ^ so if the nights would be unsuccessful my money
3 would be at risk. I also -- other events I would be
4 paid on a percentage of -- percentage based on the
5 revenue of the bar. In which case you could make an
6 argument that my time my money -- it's money, my
7 efforts were essentially a effort of my time; right.

8 Q Right.

9 A I can go through a list and tell you which
10 one if you want.

11 Q Which one what?

12 A Which one I was booking DJs and which one
13 I would be paid as a percentage of the bar.

14 Q No, that's okay. Let's go to Exhibit 2.
15 What is Exhibit 2 supposed to represent?

16 A Some of the facilities that I was
17 associated with.

18 Q When you say associated with, again, what
19 do you mean?

20 A Again,, for example, this is a venture
21 very similar to the show in Philadelphia where I
22 raised investors money for investors to produce a
23 show also in Miami. It obviously belongs to
24 somebody else and I was promoting a specific night.
25 The BPM, I was I was one of the initial not funder,

1 but I worked very closely with a team of co-founders
2 and we built it from zero to very large festival
3 with hundreds of thousands of tickets sold. It was
4 probably like the one that I'm most proud of with
5 being associated with and most financially
6 successful. We made a lot of money. I think I
7 based my model that I provided to investors based on
8 the financial success of this particular festival.

9 Q The BPM?

10 A Yes.

11 Q I'm done with that so is Zach, Zach
12 Seidman?

13 A Yeah.

14 Q I'm sure you've seen these e-mails because
15 we gave them to your lawyer, but let me hand this to
16 you and verify that you've seen this before. So
17 Exhibit 7 is.

18 (Plf's/Dft's Exhibit ** was marked
19 for identification by the deposition officer and is
20 attached hereto.)

21 THE WITNESS: I didn't read this ahead of time.

22 Q Okay. This is an e-mail from Zach Seidman
23 to David Stromberg? Do you know who David Stromberg
24 is?

25 A It's Travis manager.

1 Q You've never seen this e-mail?

2 A Did you send it to me?

3 MR. KING: It's nine I'm going to ask you some
4 questions to see if you have any information. A
5 date prior to the event did you learn that someone
6 named Kevin Fanklestein had chartered a jet for
7 Travis to come to Minneapolis.

8 THE WITNESS: Say it again.

9 Q Did you ever learn that someone named
10 Kevin Fanklestein had chartered a private jet for
11 Travis to come to Minneapolis?

12 A For Travis, this is incorrect. For
13 Travis?

14 Q Do you know Kevin Fanklestein?

15 A I don't know, but I think what you're
16 trying to say here --

17 MR. TOMASULO: Alex is do you know who Kevin
18 Fanklestein is?

19 MR. KING: That one he doesn't know.

20 Q Do you have any dispute between Zach and
21 Jefferson over reimbursement for a private jet that
22 had been chartered by one of Zach's clients --
23 customers?

24 A I recall there was an issue with one
25 client. I don't know if it was Zach's client. I

1 was under the impression it was Jefferson's client.
2 I remember that this client that was suppose today
3 come didn't come. I didn't know it was Zach's
4 client.

5 Q As part of your promotion and marketing
6 did someone on behalf of PJAM plant a story with
7 TMZ?

8 A Yes, that came up unfortunately. I guess
9 it came out in the press. I had nothing to do with
10 it.

11 Q I'm going to hand you Exhibit 8, although
12 we're not done with Exhibit 7.

13 (Plf's/Dft's Exhibit ** was marked
14 for identification by the deposition officer and is
15 attached hereto.)

16 BY MR. KING:

17 Q Is this the story that came out a couple
18 days before the event from TMZ?

19 A Yes, I saw that on the TMZ Web site.

20 Q Is Jefferson responsible for planting this
21 on TMZ?

22 A I have to ask him.

23 Q Have you ever asked him?

24 A I didn't ask him who approached who.

25 Q Did Jefferson talk to TMZ, communicate

1 with TMZ?

2 A He communicated with TMZ. I don't know if
3 he planted a story.

4 Q You know, he communicated with TMZ?

5 A Yes.

6 Q And you know, he did it a couple days
7 before the event?

8 A I don't know if he did but you're saying
9 he actively pursued TMZ. I don't know if he did it.
10 I don't know. He may have been approached by TMZ.

11 Q How did TMZ know Jefferson Agar?

12 A I don't know.

13 Q Zach tells David Stromberg that Jefferson
14 Agar opened. He told him he contacted TMZ and
15 leaked information, details of the event in order to
16 sell more tickets. Do you know if that's true or
17 not?

18 A This is the first time I hear that ^
19 check.

20 Q In the next sentence he says this is
21 because ticket sales were very low about 200 and the
22 company was in very bad shape because of it is that
23 true?

24 A This is completely not true. So he's
25 arguing here that we contacted TMZ to boost ticket

1 sales?

2 Q I'm asking it different. I'm asking was
3 it a true statement his statement that ticket sales
4 were very low?

5 A Ticket sales were low yes, yes that's a
6 true statement.

7 Q Were they about 200 as of two days before
8 the show?

9 A Yes.

10 A I do agree on the don't agree that the
11 company was in bad shape.

12 Q You agree that 200 tickets were sold?

13 A Yeah.

14 Q That was a disappointing No. 2 days before
15 the show wasn't it?

16 A Yes.

17 Q The next paragraph he says the day prior
18 to the event the partners of TCL borrowed money from
19 Anthony Scnyderman. Is that not true?

20 A That's incorrect.

21 Q And paragraph 5 Mr. Seidman says in his
22 seconds -- first sentence he says he met with PJ
23 Mr. Johnston I assume stated without the booking fee
24 and Travis' back end money he would not be able to
25 come. Do you know anything about that? Is that the

1 conversation you were talking about earlier?

2 A I wasn't present for the conversation, but
3 I think it refers to the fact that we are going in
4 the morning.

5 MR. TOMASULO: Don't speculate.

6 BY MR. KING:

7 Q Let go to paragraph 6. He says throughout
8 the day of the event team TCL which is twin cities
9 live?

10 A Yep.

11 Q Were asked multiple times for flight
12 itinerary and tail numbers and they were unable to
13 provide?

14 A There's completely inaccurate. In fact,
15 actually, I was showing the entire time sitting at
16 lunch -- so I guess my lawyer doesn't want me to
17 answer.

18 Q You can respond.

19 A We were showing the itinerary to Mr. Zach.
20 Mr. Sides man was not concerned at all with the
21 plane. His only concern was give me the money for
22 Coons or I will be beat up. That's his only
23 concern.

24 Q So you don't recall -- you may not have
25 been present. So you don't recall any inquiries by

1 Zach for a flight itinerary and tail number?

2 A I recall that we provided details to Zach
3 and Coons.

4 Q Okay. Why don't you read paragraph 7 to
5 yourself.

6 A What does it mean?

7 Q I don't know. You have not seen it
8 before?

9 A No.

10 Q It does state that you were assaulted by
11 somebody.

12 A First of all I was assaulted. I was
13 assaulted on camera at the airport in front of the
14 police. I was assaulted like there was a detective
15 in Minneapolis looking for -- there's two large
16 black men that took my suitcases and through the
17 suitcase inside the s IV I was thrown on the ground
18 I lost my tooth and the police recorded the whole
19 event. I didn't stage anything. The people run
20 away. They're still at large. So, you know,.

21 Q Did understand they were people affiliated
22 with Gucci Manne?

23 A Of course there were people affiliated
24 with Gucci Manne.

25 Q What did they want from you?

1 A They claimed that they went to be paid
2 \$10,000.

3 Q For what?

4 A For promotion. They were part of the --
5 not the people that assaulted me. I didn't
6 recognize, but there was a group that booked Gucci
7 Manne to perform and we paid, I believe like
8 30,000 -- whatever money was paid to these guys and
9 on top of that they said they also wanted to have
10 \$10,000 to promote the night. And I refused because
11 Gucci Manne didn't perform which it seems like
12 pretty much common sense. They intimidated I couldn't
13 leave town. I called the police the first time.
14 The police escorted me to the car. I opened the car
15 tell my wives this town is crazy and as I get out of
16 my car at curb check in and their SUV pulled up two
17 people jumped out and I guess tried to kidnap me.
18 There was no -- there was no at all -- there was no
19 doubt at all that they were trying to prevent me
20 from leaving town. Just an hour before this group
21 were telling me you can't leave. So, yeah, I
22 certainly wasn't expecting that.

23 Q I'm going to hand you a document. I'm
24 going to mark this Exhibit 8.

25 (Plf's/Dft's Exhibit ** was marked

1 for identification by the deposition officer and is
2 attached hereto.).

3 Q Again, you may have seen before it was
4 previously sent to your lawyer.

5 Q So forget the Zach Seidman. The second
6 e-mail is from David Stromberg to Brett Lockett at
7 m-2 jets?

8 A Okay.

9 Q Was m-2 jets --

10 A The company we used. And the copies to
11 among others Jefferson Agar; right?

12 A Right.

13 Q Whose one of the principals of PJAM.

14 A Yep.

15 Q And Mr. Stromberg says we need to depart
16 s-t-c at 1130c-s-t. We need to be in Vegas by
17 1:00 a.m. sharp?

18 A Okay.

19 Q Okay. That's sent at 2:24 p.m.?

20 A Okay.

21 Q Which is the day of the show?

22 A 2:24 p.m. L.A. time.

23 Q Yes.

24 A So 424, 4:24 in Minneapolis.

25 A I guess.

1 Q Well, that would be mathematically
2 correct.

3 A I don't know where David Stromberg is
4 based ^. Definitely the day of the show, yes.

5 Q So day of the show David Stromberg is
6 sending the charter company and Jefferson Agar?

7 A Yep.

8 Q An e-mail saying we need to depart s D.C.
9 at 1130c-s-t ^?

10 A Okay.

11 Q Even if you were going to put Travis Scott
12 on stage at 10:00 p.m.?

13 A There's no way he could depart s-t-c by
14 1130 that night of the show; right.

15 A I don't know that.

16 Q Let's make an assumption because I know
17 this?

18 A Yeah.

19 Q If it's an hour and a half in good weather
20 to get from Myth to St Cloud airport?

21 A Okay.

22 Q Would you agree that putting him on a
23 10:00 would make it impossible to leave s-t-c at
24 11:30?

25 A I don't know how long it takes so I don't

1 know. I don't know what's the distance. I told you
2 before and I don't know. Is it one and a half? Is
3 it? I don't know.

4 BY MR. KING:

5 Q It is, but you don't have to take my word
6 for it. So if you go back to the last page of this,
7 you'll see a trip confirmation, information and
8 confirmation from m-2 jets. Do you see that?

9 A The last page?

10 Q Yep?

11 A Yes, the last page. So reading backwards
12 you can see that that's been sent to David Stromberg
13 by Zach Seidman; right.

14 A (No audible response.)

15 Q If you look at the last e-mail it says on
16 February 1st, 2018?

17 A Yeah.

18 Q Zach Seidman David please see attached per
19 Travis' jet. Exclamation point. Let me know if you
20 need any changes. Do you see that?

21 A Yep.

22 Q So attached is an itinerary; right?

23 A Yes.

24 Q Would you agree that that itinerary does
25 not have a tail number on it?

1 MR. TOMASULO: Is he copied on any of these
2 e-mails?

3 MR. KING: No, well, I don't know we'll find
4 out.

5 MR. TOMASULO: I don't think this has anything
6 to do with his expert report.

7 MR. KING: This is a percipient question?

8 THE WITNESS: I don't see any.

9 BY MR. KING:

10 Q Did you know that at least an itinerary
11 sent to team Travis did not have a tail number on
12 it?

13 A I was not part of it so I don't know.

14 Q That's what I meant. Nobody brought that
15 to your attention?

16 A I was communicated that tail number was
17 provided.

18 Q Who told you that?

19 A Jefferson and I believe I was speaking to
20 Brett as well. I'm not as you can see my e-mail --
21 I'm not copied on this e-mail.

22 Q Okay. And then if you go to the second
23 page of this e-mail chain, halfway through the page,
24 you can see on February 2nd at 5:50 p.m., David
25 Stromberg asking -- stating and I need the tail

1 number. Do you see that?

2 A Yep.

3 Q Did anybody ever communicate to you that
4 David Stromberg the day before the show was asking
5 for a tail number?

6 A Yes.

7 Q Who told you that?

8 A No, we were talking and there were
9 discussion there were all discussion like with
10 groups of people. Anthony was present, Manny Kess
11 was present. Zach, Jefferson, my general manager,
12 we were team and I remember like Jefferson was
13 telling me that tail number was communicated or I
14 don't know like I'm not sure by who. I don't know
15 if it was by Brett. I assume that -- all I knew was
16 the contract was signed and the jet was paid.

17 Q Okay?

18 A So at that point I assumed that it was
19 taken care of.

20 Q Okay?

21 A I didn't think of anything else.

22 Q You assumed they had communicated that to
23 Travis Scott?

24 A Yes.

25 Q So again, now back to the first page. The

1 e-mail I asked you about a minute ago at 2:24 p.m.,
2 day of show, we're talking 96 minutes before they
3 have wheels up out of Van Nuys, you have David
4 Stromberg saying send itinerary with these times and
5 tail number. Do you have any, any opinion of why
6 Mr. Stromberg is asking for the tail No. 96 minutes
7 before the flight is set to depart if the tail
8 number had already been furnished to him?

9 A I don't know.

10 MR. KING: I'm going to hand you exhibit No. 9.

11 MR. TOMASULO: How much longer are you going to
12 go. That dissolve is I closed he's here as an
13 expert. I don't think asking him questions about
14 e-mails he wasn't copied on is appropriate expert
15 testimony.

16 MR. KING: Well, but his whole entire opinion
17 about profit is really based upon whether there was
18 going to be a show or not. I think almost
19 everything is fair game at that point.

20 MR. TOMASULO: I disagree, but how much longer
21 are you going to go?

22 MR. KING: Ten minutes on this. There's not
23 much. In fact, watch how fast this goes. I've
24 handed you Exhibit 9. This is a text exchange.

25 (Plf's/Dft's Exhibit ** was marked

1 for identification by the deposition officer and is
2 attached hereto.)

3 MR. KING: And I'm not sure quite sure who it's
4 between. So I'm going to ask you if you recognize
5 the phone numbers. I can see some identified as
6 David Stromberg, but the other one is (310)486-0606.
7 Do you know who that is?

8 THE WITNESS: 310, L.A. somewhere. I don't
9 know.

10 Q Let me ask you do you recall there ever
11 being a discussion of finding an alternative airport
12 to St. Cloud oak I county Blain airport?

13 A Yes, ^ is.

14 Q What do you recall?

15 A That was during lunch when we were all
16 trying to figure out a way to make team Travis
17 comfortable with timing and logistics.

18 Q So the first text on the second page says
19 it's going to take Travis a couple of hours to get
20 to the airport?

21 A Where.

22 Q I'm at the top of the second page. It's
23 the 310 number communicating?

24 A Yeah.

25 Q Communicating with (702)743-0412?

1 A Yep.

2 Q Do you know who that is? Is that the
3 charter plane guy?

4 A I don't know.

5 A It looks like a Vegas number.

6 Q So to summarize the top text at close to
7 1:00 p.m. on the day of the show, somebody from the
8 310 number who I think will find out is David
9 Stromberg says if we don't have a trip sheet in the
10 next 30 minutes showing certain times we're not
11 going to be able to make the trip.

12 A Uh-huh.

13 Q So earlier you testified that there was a
14 lot of discussions about Zach telling Travis not to
15 show up because he didn't get his cash?

16 A Yes.

17 Q Do you recall being told that Mark
18 Stromberg was somebody else on Travis' behalf had
19 sent a text saying we're not showing up unless you
20 confirm our travel?

21 A No, the name this never came up during
22 lunch. ^ check. I didn't know he had such an
23 active role in discussing this until I'm finding it
24 out now.

25 Q Who?

1 A Mr. Stromberg. I didn't realize
2 Mr. Stromberg was involved in deciding -- I'm just
3 reading this.

4 Q Okay?

5 A So I remember lunch being a little more
6 focused on the payment part.

7 Q But does this refresh your recollection
8 that somebody had told you that Stromberg or someone
9 on Travis' behalf said if they didn't get confirmed
10 travel they weren't going to show up?

11 A I think they did things that were in
12 parallel. I know that because Jefferson was asking
13 me about options for helicopters.

14 Q So you understood there was a problem and
15 that Jefferson was suggesting that helicopters might
16 solve it?

17 A I understood that Travis wasn't happy
18 about the distance between one of the airport and so
19 there was when Jefferson said if you give him a
20 helicopter. So that seemed to be a solution at the
21 time to dramatically decrease the time in the car.

22 Q Did you get him a helicopter?

23 A We had a quote and ready to get a
24 helicopter and we provide a helicopter option and
25 now, I believe, all of this was very quick and fast

1 and there was a little screaming at this point. So
2 not everybody was on the same page, but I remember
3 like there was an issue with the number of people on
4 the jet versus the number of people that could fit
5 in the helicopter. So there was discussion about
6 getting two helicopters and we said we would provide
7 a helicopter for Travis and a car for the rest.
8 Only four people could fit in the helicopter. So to
9 that extent. And I think that showed willingness to
10 cooperate in bringing Mr. Scott do you know and we
11 were willing to pay \$8,000 extra.

12 Q Did you book a helicopter?

13 A We were ready to book it. We found one.

14 Q So I'm looking at a news report that must
15 be wrong, but I'll read to you what it says. It's
16 the star tribune. It's an article dated February 7,
17 2018; right after. It's a story on the show, but it
18 says ironically Gucci did show up and perform at
19 Myth nightclub on Saturday. That's false?

20 A He showed up he did not perform.

21 Q I had earlier asked you what the pricing
22 was on the tickets and I told you I had seen
23 something that said \$150 --

24 A You're aware that.

25 MR. TOMASULO: There's no question.

1 THE WITNESS: Yeah.

2 BY MR. KING:

3 Q And I think you acknowledged ultimately
4 that the tickets were on sale for \$150 without an
5 open bar, is that --

6 A What I was trying to say is you might see
7 a display ad for 150. Different markets show
8 different prices.

9 Q Okay?

10 A So it's possible that you see a local ad
11 for 150 while we were still selling tickets in New
12 York for 300.

13 Q Okay. Who was actually in charge of
14 getting this job. Was that Agar?

15 A Jefferson Agar recommended to use this
16 particular company, so he acted as point man in
17 charge. We signed a contract as PJAM. So I guess
18 ultimately it's my fault if communication -- didn't
19 pan out to be effective. I take responsibility.

20 Q And it was with somebody called m-2 jets?

21 A M-2 jets is the company that provided the
22 jet.

23 Q Is somebody named Moses?

24 A There are two principals.

25 Q Do you know their names?

1 A * Mow Shea and Brett.

2 Q And they have some preexisting
3 relationship with one of the people in PJAM?

4 A They do. One of them. *Mow Shea knows
5 Jefferson. I think Jefferson used this company
6 before.

7 Q So was the way it worked that you rented
8 the facility and you brought in the alcohol?

9 A Yes, we brought in -- we order -- we paid
10 for the entire stock. So everything that was
11 consumed was ours.

12 Q And what about the alcohol that was not
13 consumed? What happens to that?

14 A It's still there.

15 Q But is it owned by you?

16 A Well, I'm making the case it's owned by
17 me, yeah.

18 Q Did you pays for it?

19 A Yes, we did. We pay up front. We order
20 from the distribute for. PJ's dad sent a wire two
21 days before.

22 Q How much alcohol was leftover?

23 A Approximately \$100,000.

24 Q Is there a dispute over is that your
25 alcohol?

1 A Yes, there is.

2 Q What's the nature of the dispute?

3 A On the remaining.

4 Q Is there a contract dispute where somebody
5 is claiming they own it?

6 A There is a dispute between PJAM and me.

7 Q PJAM and you?

8 A Myth.

9 Q Myth is claiming they own it?

10 A No, they claimed they don't want to return
11 it.

12 Q Did they communicate a reason for that?

13 A Their thugs as you define it. There are a
14 lot of people in this business are less scrupulous
15 than they should be.

16 Q Do they claim they're owed money by PJAM?

17 A We claim we are owed money by Myth.

18 Q For the alcohol or something else?

19 A Alcohol and some of the revenues that run
20 through their p-o-s which they have so far refused
21 to turn out.

22 Q What's the magnitude of those revenues?

23 A I have to double check on the exact
24 numbers. Above \$100,000 for sure that's missing.

25 Q Do you have a lawsuit pending against

1 them?

2 A We do.

3 Q Where is that pending in Minneapolis?

4 A New York.

5 Q In New York. How much did you spend on
6 advertising and promotion?

7 A Tens of thousands. I think I can get the
8 number. I have to ask my marketing team.

9 A We have two separate marketing agencies,
10 I'm sorry.

11 Q I let's go off the record and let me talk
12 to Zach -- for five minutes -- let me talk to Matt
13 for five minutes and then we may be done.

14 THE VIDEOGRAPHER: Off the record. The time is
15 142.

16 (A recess was taken from ***** to
17 *****.)

18 THE VIDEOGRAPHER: Back on the record. The
19 time is 148.

20 BY MR. KING:

21 Q It was pointed out to me off the record
22 that I marked two Exhibit 8. So I've taken the TMZ
23 article that says Travis Scott working a double
24 shift Super Bowl 52 weekend and I've marked that 8-a
25 instead of eight.

1 (Plf's/Dft's Exhibit ** was marked
2 for identification by the deposition officer and is
3 attached hereto.)

4 BY MR. KING:

5 Q I just have a couple of questions
6 Mr. Martini. There were some names in the
7 advertising I saw that I thought you could tell me
8 who they are. They were listed as people affiliated
9 with the show. Aim hospitality group?

10 A Yes.

11 Q Who is that?

12 A Anthony Scnyderman.

13 Q To were listed because they're co
14 promoters?

15 A Yes, and they invested money in the show.

16 Q They invested through PJAM?

17 A Into PJAM.

18 Q Okay. So they are somebody who would
19 benefit if you prevail in this case?

20 A I don't know if they would benefit. They
21 probably wouldn't benefit.

22 Q Okay.

23 A Financially you mean?

24 Q Yes.

25 A They wouldn't receive any compensation.

1 Q No, reimbursement of their investment?

2 A We haven't discussed. I mean this is not
3 something that is discussed yet.

4 Q Okay?

5 A And e-c l events is PJAM; right? I'm
6 sorry Twin City Live is PJAM. Who is e-c l events.

7 A E-c l?

8 Q Yes.

9 A E-c l I don't know I'm not familiar with
10 them.

11 MR. TOMASULO: If you don't know.

12 THE WITNESS: There are a lot of promoters?

13 BY MR. KING:

14 Q How about note; right?

15 A I think it's another promoter Nathan lieu
16 Okay., I believe.

17 Q Hip hop m-n?

18 A It must be another promoter.

19 Q Okay I have no further questions at this
20 time. I would suggest that we stipulate that the
21 original transcript go to the witnesses counsel. I
22 think is two weeks enough to review it given our
23 trial date?

24 MR. TOMASULO: Yeah, that ought to be fine.

25 MR. KING: Okay so the witness will have two

1 weeks from the point its sent to counsel to review
2 it make any changes and sign it under penalty of
3 perjury. If in which case counsel will notify us
4 that it's been signed what the changes were and make
5 it available for use at trial should we so request.
6 If it's not returned to us if that notice is not
7 given to us within two weeks then any party can use
8 an unsigned certified copy of the transcript as
9 though it were an original signed under penalty of
10 perjury.

11 MR. TOMASULO: So stipulated.

12 MR. KING: Thank you.

13 THE VIDEOGRAPHER: This concludes today's
14 deposition and we're off the record the time is 151.

15 MR. TOMASULO: I'm going to order a certified
16 copy. UNCERTIFIED ROUGH DRAFT; NOT TO BE CITED